

House Bill 917

By: Representative Oliver of the 83rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
2 primaries and elections generally, so as to provide for the creation of an Office of State
3 Election Administration; to provide for a definition; to provide for a chief election officer to
4 replace the State Election Board and the Secretary of State in the administration of election
5 laws; to provide for selection, powers and duties, and compensation of the chief election
6 officer; to provide for staffing; to provide for certain limitations on the chief election officer
7 and employees of the Office State Election Administration; to provide for an advisory group
8 to assist the chief election officer; to provide for its composition and duties; to provide for
9 the confidentiality of certain records and the availability of other records; to provide for the
10 transfer of funding, staff, equipment, property, and office space; to provide for the
11 continuation of contracts, legal matters, and rules and regulations; to provide for
12 investigations, enforcement, and resolution of election law violations; to provide for election
13 observers; to conform existing laws; to provide for related matters; to provide effective dates;
14 to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and
18 elections generally, is amended by revising Code Section 21-2-2, relating to definitions, by
19 adding a new paragraph as follows:

20 "(3.1) 'Chief election officer' means the individual appointed in accordance with Code
21 Section 21-2-30."

22 **SECTION 2.**

23 Said chapter is further amended by revising Code Section 21-2-4, relating to preparation,
24 printing, publicizing, and distributing of summary of general amendments to Constitution of
25 Georgia, as follows:

1 "21-2-4.

2 (a) The summary of general amendments to the Constitution of Georgia prepared by the
3 Attorney General, the legislative counsel, and the Secretary of State pursuant to Article X,
4 Section I, Paragraph II of the Constitution of Georgia shall be printed by the ~~Secretary of~~
5 ~~State~~ chief election officer in sufficient quantities to make available a copy of such
6 summary to any interested citizen requesting a copy. In preparing the summary provided
7 by this provision of the Constitution of Georgia, the Attorney General, the legislative
8 counsel, and the Secretary of State shall provide an explanation of each proposed general
9 amendment to the Constitution of Georgia in language free of legalistic and technical
10 terms, to the end that the summary may be read and understood by the majority of citizens
11 of this state. The ~~Secretary of State~~ chief election officer shall be authorized to include
12 with such summary, as a part of the same document, a summary or explanation of any
13 state-wide referendum questions to be voted on at the same general election and any other
14 explanatory materials as may be deemed appropriate by the ~~Secretary of State~~ chief
15 election officer.

16 (b) The ~~Secretary of State~~ chief election officer shall cause a supply of the summary to be
17 printed as soon as practicable after the summary has been prepared. The quantity of such
18 supply shall be at the discretion of the ~~Secretary of State~~ chief election officer.
19 Immediately after receiving a supply of the printed summary, the ~~Secretary of State~~ chief
20 election officer shall prepare a press release stating that a summary of proposed general
21 amendments to the Constitution of Georgia is available for distribution to interested
22 citizens and advising such citizens of the method or methods by which a copy of such
23 summary may be obtained. The ~~Secretary of State~~ chief election officer shall distribute this
24 press release to print and broadcast media throughout the state and shall actively seek the
25 cooperation of the media in publicizing the fact that a summary of proposed general
26 amendments to the Constitution of Georgia is available to interested citizens and
27 encouraging citizens to obtain a copy of the summary. The ~~Secretary of State~~ chief
28 election officer shall reissue, at his or her discretion, this press release from time to time
29 up to the date of the general election at which the proposed general amendments to the
30 Constitution of Georgia shall be submitted to the electorate for approval or rejection.

31 (c) The ~~Secretary of State~~ chief election officer shall send a supply of the printed summary
32 to the superintendent of elections of each county. The press release provided by
33 subsection (b) of this Code section shall state that the summary is available at the office of
34 each election superintendent. Each election superintendent shall distribute a copy of the
35 summary, as made available by the ~~Secretary of State~~ chief election officer in his or her
36 discretion, to any interested citizen on request. The press release shall also state that the
37 summary may be obtained by mail and shall advise citizens how a copy may be so

1 obtained. The ~~Secretary of State~~ chief election officer shall be authorized to use any
2 additional methods for the distribution of the summary as he or she may deem necessary
3 to achieve the most effective distribution of the summary to all interested citizens.

4 (d) The ~~Secretary of State~~ chief election officer is authorized to provide for the preparation
5 of a supply of audio tapes, compact discs, or other media or an Internet website which shall
6 contain the summary of each proposed general amendment to the Constitution as provided
7 in subsection (a) of this Code section, together with a listing of the candidates for each of
8 the state representatives to the United States Congress and the candidates for every public
9 office elected by the electors of the entire state. A sufficient number of the audio tapes,
10 compact discs, or other media may be prepared as will permit the distribution of at least
11 one tape, disc, or other media form to each of the public libraries within the state for the
12 purpose of providing voting information and assistance to any interested citizen. The
13 ~~Secretary of State~~ chief election officer may cause a supply of the tapes, discs, or other
14 media to be prepared and distributed as soon as practicable after the summary has been
15 prepared and the names of the candidates for each of the public offices to be included are
16 known to be candidates. If the ~~Secretary of State~~ chief election officer provides such
17 information through an Internet website, it shall not be necessary to provide such
18 information by audio tape, compact disc, or other media."

19 SECTION 3.

20 Said chapter is further amended by revising Code Section 21-2-5, relating to qualifications
21 of candidates for federal and state office, as follows:

22 "21-2-5.

23 (a) Every candidate for federal and state office who is certified by the state executive
24 committee of a political party or who files a notice of candidacy shall meet the
25 constitutional and statutory qualifications for holding the office being sought.

26 (b) The ~~Secretary of State~~ chief election officer upon his or her own motion may challenge
27 the qualifications of any candidate at any time prior to the election of such candidate.
28 Within two weeks after the deadline for qualifying, any elector who is eligible to vote for
29 a candidate may challenge the qualifications of the candidate by filing a written complaint
30 with the ~~Secretary of State~~ chief election officer giving the reasons why the elector believes
31 the candidate is not qualified to seek and hold the public office for which he or she is
32 offering. Upon his or her own motion or upon a challenge being filed, the ~~Secretary of~~
33 ~~State~~ chief election officer shall notify the candidate in writing that his or her qualifications
34 are being challenged and the reasons therefor and shall advise the candidate that he or she
35 is requesting a hearing on the matter before an administrative law judge of the Office of
36 State Administrative Hearings pursuant to Article 2 of Chapter 13 of Title 50 and shall

1 inform the candidate of the date, time, and place of the hearing when such information
2 becomes available. The administrative law judge shall report his or her findings to the
3 ~~Secretary of State~~ chief election officer.

4 (c) The ~~Secretary of State~~ chief election officer shall determine if the candidate is qualified
5 to seek and hold the public office for which such candidate is offering. If the ~~Secretary of~~
6 ~~State~~ chief election officer determines that the candidate is not qualified, the ~~Secretary of~~
7 ~~State~~ chief election officer shall withhold the name of the candidate from the ballot or
8 strike such candidate's name from the ballot if the ballots have been printed. If there is
9 insufficient time to strike the candidate's name or reprint the ballots, a prominent notice
10 shall be placed at each affected polling place advising voters of the disqualification of the
11 candidate and all votes cast for such candidate shall be void and shall not be counted.

12 (d) In the event that a candidate pays his or her qualifying fee with a check that is
13 subsequently returned for insufficient funds, the ~~Secretary of State~~ chief election officer
14 shall automatically find that such candidate has not met the qualifications for holding the
15 office being sought, unless the bank, credit union, or other financial institution returning
16 the check certifies in writing by an officer's or director's oath that the bank, credit union,
17 or financial institution erred in returning the check.

18 (e) The elector filing the challenge or the candidate challenged shall have the right to
19 appeal the decision of the ~~Secretary of State~~ chief election officer by filing a petition in the
20 Superior Court of Fulton County within ten days after the entry of the final decision by the
21 ~~Secretary of State~~ chief election officer. The filing of the petition shall not itself stay the
22 decision of the ~~Secretary of State~~ chief election officer; however, the reviewing court may
23 order a stay upon appropriate terms for good cause shown. As soon as possible after
24 service of the petition, the ~~Secretary of State~~ chief election officer shall transmit the
25 original or a certified copy of the entire record of the proceedings under review to the
26 reviewing court. The review shall be conducted by the court without a jury and shall be
27 confined to the record. The court shall not substitute its judgment for that of the ~~Secretary~~
28 ~~of State~~ chief election officer as to the weight of the evidence on questions of fact. The
29 court may affirm the decision or remand the case for further proceedings. The court may
30 reverse or modify the decision if substantial rights of the appellant have been prejudiced
31 because the findings, inferences, conclusions, or decisions of the ~~Secretary of State~~ chief
32 election officer are:

- 33 (1) In violation of the Constitution or laws of this state;
- 34 (2) In excess of the statutory authority of the Secretary of State;
- 35 (3) Made upon unlawful procedures;
- 36 (4) Affected by other error of law;

(5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(6) Arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

An aggrieved party may obtain a review of any final judgment of the superior court by the Court of Appeals or the Supreme Court, as provided by law."

SECTION 4.

Said chapter is further amended by revising Code Section 21-2-30, relating to the creation, composition, terms of service, vacancies, quorum, seal and bylaws, and meetings of the State Election Board, as follows:

"21-2-30.

(a) There is created ~~a state board to be known as~~ within the executive branch of state government the Office of State Election Board Administration, to be composed of the ~~Secretary of State, an elector to be elected by a majority vote of the Senate of the General Assembly at its regular session held in each odd-numbered year, an elector to be elected by a majority vote of the House of Representatives of the General Assembly at its regular session held in each odd-numbered year, and a member of each political party to be nominated and appointed in the manner provided in this Code section. No person while a member of the General Assembly shall serve as a member of the board~~ headed by the chief election officer of the State of Georgia as provided in subsection (b) of this Code section. The Office of State Election Administration shall be independent of all other agencies but shall be assigned for administrative purposes only, as that term is defined in Code Section 50-4-3, to the Office of the Secretary of State.

(b) ~~A member elected by a house of the General Assembly shall take office on the day following the adjournment of the regular session in which elected and shall serve for a term of two years and until his or her successor is elected and qualified, unless sooner removed. An elected member of the board may be removed at any time by a majority vote of the house which elected him or her. In the event a vacancy should occur in the office of such a member of the board at a time when the General Assembly is not in session, then the President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the Senate or appointed by the President of the Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the House of Representatives or appointed by the Speaker of the House of Representatives. A member appointed to fill a vacancy may be removed at any time by a majority vote of the house whose presiding officer appointed him or her~~ The chief election officer shall be appointed

1 by the Governor and with the advice and consent of the General Assembly in accordance
2 with subsection (d) of this Code section. If the Governor submits an appointment to the
3 General Assembly for confirmation as the chief election officer, but the General Assembly
4 has not confirmed the appointment within 60 days after the appointment is submitted to the
5 General Assembly by the Governor, the person so appointed shall become the acting chief
6 election officer until the General Assembly acts on his or her confirmation.

7 ~~(c) Within 30 days after April 3, 1968, the state executive committee of each political~~
8 ~~party shall nominate a member of its party to serve as a member of the State Election Board~~
9 ~~and, thereupon, the Governor shall appoint such nominee as a member of the board to serve~~
10 ~~for a term of two years from the date of the appointment and until his or her successor is~~
11 ~~elected and qualified, unless sooner removed. Thereafter, such state executive committee~~
12 ~~shall select a nominee for such office on the board within 30 days after a vacancy occurs~~
13 ~~in such office and shall also select a nominee at least 30 days prior to the expiration of the~~
14 ~~term of each incumbent nominated by it; and each such nominee shall be immediately~~
15 ~~appointed by the Governor as a member of the board to serve for the unexpired term in the~~
16 ~~case of a vacancy, and for a term of two years in the case of an expired term. Each~~
17 ~~successor, other than one appointed to serve an unexpired term, shall serve for a term of~~
18 ~~two years, and the terms shall run consecutively from the date of the initial gubernatorial~~
19 ~~appointment. No person shall be eligible for nomination by such state executive committee~~
20 ~~unless he or she is an elector and a member in good standing of the political party of the~~
21 ~~committee. Such a member shall cease to serve on the board and his or her office shall be~~
22 ~~abolished if and when his or her political organization shall cease to be a 'political party'~~
23 ~~as defined in Code Section 21-2-2~~ The chief election officer shall be appointed and serve
24 a term of five years and until a successor is appointed by the Governor and confirmed by
25 the General Assembly.

26 (d)(1) The Secretary of State shall be the chairperson of the board. Three members of the
27 board shall constitute a quorum, and no vacancy on the board shall impair the right of the
28 quorum to exercise all the powers and perform all the duties of the board. The board shall
29 adopt a seal for its use and bylaws for its own government and procedure Not later than
30 December 1, 2008, the Senate majority leader, Senate minority leader, Speaker of the
31 House of Representatives, and House minority leader shall forward to the Governor a
32 jointly-developed list of qualified candidates for the chief election officer. Not later than
33 January 1, 2009, the Governor shall select an appointee from this list and forward that
34 nominee to the General Assembly for confirmation.

35 (2) The appointee shall be subject to confirmation by a three-fourths' vote of each house
36 of the General Assembly.

1 (3) Thereafter, at least 60 days before the end of the term of office of the chief election
2 officer, the Senate majority leader, Senate minority leader, Speaker of the House of
3 Representatives, and House minority leader shall forward to the Governor a
4 jointly-developed list of qualified candidates for the chief election officer which may
5 include the incumbent chief election officer. Not later than 30 days before the end of the
6 term of office of the chief election officer, the Governor shall select an appointee from
7 this list and forward that nominee to the General Assembly for confirmation which shall
8 be by a three-fourths' vote of each house of the General Assembly.

9 ~~(e) Meetings shall be held whenever necessary for the performance of the duties of the~~
10 ~~board on call of the chairperson or two of its members. Minutes shall be kept of all~~
11 ~~meetings of the board and a record kept of the vote of each member on all questions~~
12 ~~coming before the board. The chairperson shall give to each member of the board prior~~
13 ~~notice of the time and place of each meeting of the board~~ Any person who is submitted to
14 the Governor under subsection (d) of this Code section should be viewed as nonpartisan
15 and shall possess demonstrated integrity, independence, public credibility; demonstrated
16 managerial experience; and other qualities that demonstrate competence to undertake the
17 responsibilities of the office. No person shall be submitted to the Governor under
18 subsection (d) of this Code section if at any time during the four-year period immediately
19 preceding the date of the nomination of such person, the person was a candidate for
20 elective public office, an employee of such a candidate, or an attorney for such a candidate;
21 an elected officeholder, an employee of an elected officeholder, or an attorney for an
22 elected officeholder; or an officer or employee of a political party or body or an attorney
23 for a political party or body. The compensation of the chief election officer shall be
24 established annually by the Governor and incumbent chief election officer's compensation
25 shall not be decreased during the incumbent's term of office.

26 ~~(f) If any member of the board, other than the Secretary of State, shall qualify as a~~
27 ~~candidate for any public office which is to be voted upon in any primary or election~~
28 ~~regulated by the board, that member's position on the board shall be immediately vacated~~
29 ~~and such vacancy shall be filled in the manner provided for filling other vacancies on the~~
30 ~~board~~ The chief election officer shall endeavor to be nonpartisan in all decisions and
31 statements and shall not:

32 (1) Either directly or indirectly engage in any political campaign or in any partisan
33 political activity except to vote;

34 (2) Serve as an officer of any political party or any partisan organization;

35 (3) Publicly support or oppose any candidate, including a candidate for any local, state,
36 or federal office, or partisan organization; or allow his or her name to be used in
37 connection with any activity of a political organization;

- 1 (4) Make speeches on behalf of a political organization or any candidate;
 2 (5) Attend political gatherings;
 3 (6) Take a public position for or against or participate in a campaign to support or oppose
 4 any ballot initiative or ballot measure; and
 5 (7) Make any contribution to, or solicit funds on behalf of, any candidate, including a
 6 candidate for any local, state, or federal office, political party or partisan organization."

7 **SECTION 5.**

8 Said chapter is further amended by revising Code Section 21-2-31, relating to duties of the
 9 State Election Board, as follows:

10 "21-2-31.

11 It shall be the duty of the ~~State Election Board~~ chief election officer:

- 12 (1) To supervise and coordinate the work of the ~~office of the Secretary of State Office~~
 13 of State Election Administration, superintendents, registrars, deputy registrars, poll
 14 officers, and other officials so as to obtain uniformity in their practices and proceedings
 15 and legality and purity in all primaries and elections;
 16 (2) To develop and implement uniform training programs for all election officials in the
 17 state;
 18 (3) To prepare information for voters on voting problems and to publish and distribute
 19 an election calendar, a manual on election procedures, and a map of all legislative
 20 districts;
 21 (4) To convene a state election conference of county election officials and other
 22 government officials responsible for the conduct of elections within the state at the
 23 beginning of each year in which there is a federal or state-wide election and whenever
 24 else deemed necessary by the chief election officer to discuss uniform implementation
 25 of state and federal election policies;
 26 (5) To require such reports from county election administrators as deemed necessary;
 27 (6) To administer oaths, issue subpoenas, summon witnesses, compel the production of
 28 books, papers, records, and other evidence, and fix the time and place for hearing any
 29 matters relating to the administration and enforcement of election laws;
 30 (7) To aggregate, certify, and announce results of state and federal elections;
 31 (8) To prepare and publish reports whenever deemed necessary on the conduct and costs
 32 of voting in the state, including a tabulation of election returns and such other information
 33 and statistics deemed appropriate by the chief election officer;
 34 ~~(2)~~(9) To formulate, adopt, and promulgate such rules and regulations, consistent with
 35 law, as will be conducive to the fair, legal, and orderly conduct of primaries and

elections; and, upon the adoption of each rule and regulation, the board shall promptly file certified copies thereof with the Secretary of State and each superintendent;

~~(3)~~(10) To publish and furnish to primary and election officials, from time to time, a sufficient number of indexed copies of all primary and election laws and pertinent rules and regulations then in force;

~~(4)~~(11) To publish and distribute such explanatory pamphlets regarding the interpretation and application of primary and election laws as in the opinion of the ~~board~~ chief election officer should be distributed to the electorate;

~~(5)~~(12) To investigate, ~~or authorize the Secretary of State to investigate~~, when necessary or advisable the administration of primary and election laws and frauds and irregularities in primaries and elections and to report violations of the primary and election laws either to the Attorney General or the appropriate district attorney who shall be responsible for further investigation and prosecution. Nothing in this paragraph shall be so construed as to require any complaining party to request an investigation by the ~~board~~ chief election officer before such party might proceed to seek any other remedy available to that party under this chapter or any other provision of law;

(13) To hold quarterly public hearings to seek input from the public on matters of election administration;

(14) To direct where state election personnel and resources will be located;

(15) To develop a budget for the Office of State Election Administration;

(16) To submit an annual report to the Governor, the General Assembly, and the general public, describing the state of election administration and suggesting recommendations for future improvements;

(17) To maintain an accurate and integrated state-wide voter registration list in cooperation with county registrars;

(18) To promote reform of local election administration through greater professionalism and better training and certification of local election officials;

(19) To certify voting technology;

(20) To ensure compliance with the federal Help America Vote Act of 2002 (P.L. 107-252) and the federal National Voter Registration Act of 1993 (P.L. 103-31);

~~(6)~~(21) To make such recommendations to the General Assembly as ~~it~~ the chief election officer may deem advisable relative to the conduct and administration of primaries and elections;

~~(7)~~(22) To promulgate rules and regulations to define uniform and nondiscriminatory standards concerning what constitutes a vote and what will be counted as a vote for each category of voting system used in this state;

~~(8)~~(23) To employ such assistants as may be necessary;

(9)(24) Subject to funds being specifically appropriated by the General Assembly, to formulate and conduct a voter education program concerning voting procedures for voting by absentee ballot and at the polls with particular emphasis on the proper types of identification required for voting; and

(10)(25) To take such other action, consistent with law, as the ~~board~~ chief election officer may determine to be conducive to the fair, legal, and orderly conduct of primaries and elections."

SECTION 6.

Said chapter is further amended by revising Code Section 21-2-32, relating to institution of and intervention in court actions by the State Election Board, as follows:

"21-2-32.

(a) The ~~State Election Board~~ chief election officer shall have the right to institute or to intervene as a party in any action in any court of this state or of the United States, seeking mandamus, injunction, or other relief, to compel compliance with any election or primary law of the state or with any valid rule or regulation of the ~~board~~ chief election officer, or to restrain or otherwise prevent or prohibit any fraudulent or other illegal conduct in connection therewith, including the right to seek such relief for any anticipatory breach.

(b) Any petition seeking any of the relief authorized in subsection (a) of this Code section shall be filed in the superior court of the county of residence of the superintendent charged with the conduct of the election or primary in which it is alleged that there was or will be fraud or other illegal conduct or, in the case of municipal primaries and elections, in the county in which the city hall is located.

(c) Upon the filing of such petition, the clerk of superior court having jurisdiction shall immediately notify the administrative judge for the judicial administrative district in which the county lies, or the district court administrator, who shall immediately notify the administrative judge, of the institution of proceedings under this article. If the county in which the proceedings were instituted is not in the circuit of the administrative judge, the administrative judge shall select a superior court judge from within the district, but not from the circuit in which the proceeding was instituted, or a senior judge who is not a resident of the circuit in which the proceeding was instituted, to preside over the proceeding.

(d) If the administrative judge is a member of the circuit in which the proceeding was filed, or if the other judges of the district are unable or are unwilling to preside over the proceeding, or if the other judges of the district are judges of the circuit in which the proceeding was filed, then the administrative judge shall select an administrative judge of an adjoining district to select a superior court judge from that district, or a superior court

1 judge from the district in which the proceeding was filed, but not the circuit in which the
2 proceeding was filed, or a senior judge who is not a resident of the circuit wherein the
3 proceeding was filed. In the event any temporary order is sought, the petition may be
4 presented to the administrative judge prior to its filing for consideration of the application
5 for such order. If the petition upon which temporary relief is sought prior to the filing will
6 be filed in any county of the circuit of the administrative judge, then the petition may be
7 presented to the administrative judge of an adjoining district prior to its filing for
8 consideration of the application for such order.

9 (e) After a judge has agreed to preside over the case, the administrative judge who selected
10 the judge to hear the matter shall enter an order in the superior court of the county where
11 the proceeding was filed appointing such judge, and such judge shall promptly begin
12 presiding over such proceedings in such court and shall determine same as soon as
13 practicable. Such judge shall be reimbursed for his or her actual expenses for food and
14 lodging and shall receive the same mileage as any other state officials and employees.
15 Senior judges shall be entitled to compensation and reimbursement as the law provides for
16 senior judge service.

17 (f) If, in the opinion of the judge presiding over such cause, adequate relief cannot
18 otherwise be granted to assure compliance with said laws, rules, and regulations, the judge
19 may enter such order concerning the conduct of such election or primary which he or she
20 shall deem necessary to assure compliance, including the right to require such election or
21 primary to be held under the supervision of the ~~State Election Board~~ chief election officer.

22 (g) Upon any action being filed in any court of this state seeking relief affecting the
23 calling, holding, conduct, determination, result, tabulation, or certification of any election
24 or primary, except those instituted by the ~~State Election Board~~ chief election officer, a copy
25 of the proceeding shall be served upon ~~such board~~ the chief election officer by mailing a
26 copy of same to the ~~chairperson~~ chief election officer by certified or registered mail or
27 statutory overnight delivery; and a certificate that such service has been made shall be filed
28 by the plaintiff or the plaintiff's attorney.

29 (h) Any verdict, judgment, decree, order, ruling, or other judicial action in such cases shall
30 be subject to review by the appellate court having jurisdiction thereof. It shall be the duty
31 of the proper appellate court to consider application for stays or supersedeas in such cases
32 without regard to whether any appeal has been filed or the record docketed in such cases."

33 SECTION 7.

34 Said chapter is further amended by revising Code Section 21-2-33, relating to hearings before
35 the State Election Board, as follows:

1 "21-2-33.

2 The ~~State Election Board~~ chief election officer may examine under oath any person
3 concerning any matter connected with or bearing on the proper discharge of ~~its~~ his or her
4 duties; and ~~any member of the board~~ may administer such oath. The ~~board~~ chief election
5 officer shall have full power to subpoena persons and papers and to compel the witnesses
6 to answer under oath touching any questions which may properly come before the ~~board~~
7 him or her and to take, through ~~its~~ his or her agent, the depositions of witnesses. The ~~board~~
8 chief election officer, in investigating the administration of primary and election laws
9 within a county or any frauds or irregularities in primaries and elections held therein, shall
10 conduct each hearing concerning same at a place within such county. No witness shall be
11 compelled to attend if he or she should reside more than 100 miles from the place of
12 hearing by the nearest practical route; provided, however, that the ~~board~~ chief election
13 officer may compel the taking of his or her testimony by deposition in the county of the
14 residence of the witness. The sheriff of any county, or his or her deputy, or agent of the
15 ~~board~~ chief election officer shall serve all processes issued by the ~~board~~ chief election
16 officer; or the same may be served by registered or certified mail or statutory overnight
17 delivery; and the production of an appropriate return receipt issued by the post office or
18 commercial delivery firm shall constitute prima-facie evidence of such service. In case of
19 the refusal of any person subpoenaed to attend or testify, such facts shall be reported
20 forthwith by the ~~board~~ chief election officer to the appropriate superior court, or to a judge
21 thereof, and such court or judge shall order such witness to attend and testify. On failure
22 or refusal to obey such order, such witness shall be dealt with as for contempt. Any
23 witness so subpoenaed, and after attending, shall be allowed and paid the same mileage and
24 fee as now allowed and paid witnesses in civil actions in the superior court."

25 **SECTION 8.**

26 Said chapter is further amended by revising Code Section 21-2-33.1, relating to the
27 enforcement of the chapter, as follows:

28 "21-2-33.1.

29 (a) The ~~State Election Board~~ chief election officer is vested with the power to issue orders,
30 after the completion of appropriate proceedings, directing compliance with this chapter or
31 prohibiting the actual or threatened commission of any conduct constituting a violation,
32 which order may include a provision requiring the violator:

33 (1) To cease and desist from committing further violations;

34 (2) To pay a civil penalty not to exceed \$5,000.00 for each violation of this chapter or
35 for each failure to comply with any provision of this chapter or of any rule or regulation

1 promulgated under this chapter. Such penalty may be assessed against any violator as the
2 ~~State Election Board~~ chief election officer deems appropriate;

3 (3) To publicly reprimand any violator found to have committed a violation;

4 (4) To require that restitution be paid by any violator to a state, county, or city governing
5 authority when it has suffered a monetary loss or damage as the result of a violation;

6 (5) To require violators to attend training as specified by the ~~board~~ chief election officer;
7 and

8 (6) To assess investigative costs incurred by the ~~board~~ chief election officer against any
9 violator found to have committed a violation.

10 (b) A civil penalty shall not be assessed against any violator except after notice and
11 hearing as provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
12 In addition to the ~~State Election Board~~ chief election officer, any contested case may be
13 held before any representative of ~~such board~~ the chief election officer who has been
14 selected and appointed by ~~such board~~ the chief election officer for such purpose. The
15 amount of any civil penalty finally assessed shall be recoverable by a civil action brought
16 in the name of the ~~State Election Board~~ chief election officer. All moneys recovered
17 pursuant to this Code section shall be deposited in the state treasury.

18 (c) The Attorney General of this state shall, upon complaint by the ~~State Election Board~~
19 chief election officer, bring an action in the superior court in the name of the ~~State Election~~
20 ~~Board~~ chief election officer for a temporary restraining order or other injunctive relief or
21 for civil penalties assessed against any violator of any provision of this chapter or any rule
22 or regulation duly issued by the ~~State Election Board~~ chief election officer.

23 (d) Any action brought by the Attorney General to enforce civil penalties assessed against
24 any violator of this chapter or any rule or regulation duly issued by the ~~State Election~~
25 ~~Board~~ chief election officer or any order issued by the ~~State Election Board~~ chief election
26 officer ordering compliance or to cease and desist from further violations shall be brought
27 in the superior court of the county of the residence of the party against whom relief is
28 sought. Service of process shall lie in any jurisdiction within the state. In such actions, the
29 superior court inquiry will be limited to whether notice was given by the ~~State Election~~
30 ~~Board~~ chief election officer to the violator in compliance with the Constitution and the
31 rules of procedure of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
32 Upon satisfaction that notice was given and a hearing was held pursuant to Chapter 13 of
33 Title 50, the 'Georgia Administrative Procedure Act,' the superior court shall enforce the
34 orders of the ~~State Election Board~~ chief election officer and the civil penalties assessed
35 under this chapter and the superior court shall not make independent inquiry as to whether
36 the violations have occurred.

(e) In any action brought by the Attorney General to enforce any of the provisions of this chapter or of any rule or regulation issued by the ~~State Election Board~~ chief election officer, the judgment, if in favor of the ~~State Election Board~~ chief election officer, shall provide that the defendant pay to the ~~State Election Board~~ chief election officer the costs, including reasonable attorneys' fees, incurred by the ~~State Election Board~~ chief election officer in the prosecution of such action. Such costs and fees shall be deposited in the state treasury."

SECTION 9.

Said chapter is further amended by revising Code Section 21-2-34, relating to compensation and expenses of members of the State Election Board, as follows:

"21-2-34.

(a) Each member of the State Election Board shall receive a per diem in an amount equal to the per diem received by members of the General Assembly for each day or portion thereof spent in serving as members of the State Election Board. Each member of the State Election Board shall be paid his or her necessary traveling expenses while engaged in the business of the State Election Board. The chief election officer may initiate a civil or administrative enforcement action if, after conducting an investigation, the chief election officer finds reasonable grounds to believe that a violation of the state election law has occurred or is about to occur. The chief election officer may make a finding under this subsection based on any information available to the chief election officer.

(b) Prior to initiating an enforcement action under subsection (a) of this Code section, the chief election officer shall give any person under investigation notice and the opportunity to demonstrate that there are no reasonable grounds to believe a violation has occurred or is about to occur, but the chief election officer's decision on such matter shall not be subject to judicial review.

(c) Any person may file a complaint with the Office of State Election Administration alleging a violation of state election law. A complaint filed under this subsection shall be in writing, signed, and sworn to by the person filing such complaint, and made under penalty of perjury. Based on the allegations in a complaint filed under this subsection and such investigations the chief election officer deems necessary and appropriate, the chief election officer may initiate a civil or administrative enforcement action if the chief election officer finds reasonable grounds to believe a violation has occurred or is about to occur; or the chief election officer may dismiss the complaint.

(d)(1) In any civil or administrative enforcement action, the chief election officer may attempt to correct or prevent an alleged election law violation by informal methods of conference, conciliation, and persuasion, and may enter into a conciliation agreement

1 with the respondent. A conciliation agreement may include a requirement that the
2 respondent and any other person involved in such conciliation pay a civil monetary
3 penalty and may also include a requirement that the respondent and any other person
4 involved consent to the terms of a cease-and-desist order.

5 (2) A conciliation agreement, unless violated, is a complete bar to any further action by
6 the chief election officer against the persons involved in such conciliation agreement for
7 the violations alleged. No action by the chief election officer or any other person, and no
8 information derived in connection with any conciliation attempt by the chief election
9 officer, may be made public by the chief election officer, without the written consent of
10 the respondent, except that if a conciliation agreement is agreed upon and signed by the
11 chief election officer and the respondent, the chief election officer shall make such
12 agreement public.

13 (3) In any case in which a person has entered into a conciliation agreement with the chief
14 election officer, the chief election officer, through the Attorney General, may institute a
15 civil action for relief if the chief election officer believes that the person has violated any
16 provision of such conciliation agreement. Such civil action shall be brought in the
17 superior court of the county in which the respondent resides or has its principal place of
18 business. Such court shall have jurisdiction to issue any relief appropriate. To obtain
19 relief in any such action, the chief election officer need only establish that the person has
20 violated, in whole or in part, any requirement of such conciliation agreement.

21 (e)(1) If the chief election officer finds, after notice and opportunity for hearing, that any
22 person is violating, has violated, or is about to violate any provision of the state election
23 laws, the chief election officer may publish any findings and enter an order requiring such
24 person, or any other person that is, was, or would be a cause of the violation due to an act
25 or omission the person knew or should have known would contribute to such violation,
26 to cease and desist from committing or causing such a violation and any future violation
27 of the same provision, rule, or regulation. Such order may, in addition to requiring a
28 person to cease and desist from committing or causing a violation, require such person
29 to comply with such provision, rule, or regulation, upon such terms and conditions and
30 within such time as the chief election officer may specify in such order.

31 (2) Whenever the chief election officer determines that an alleged violation or threatened
32 violation specified in the notice initiating a civil enforcement action, or the continuation
33 thereof, is likely to result in violation of this chapter or of any state election law, and
34 substantial harm to the public interest, the chief election officer may apply to the superior
35 court of the county in which the respondent resides or has its principal place of business
36 for temporary injunctive relief.

(f) If any person fails to pay an assessment of a civil penalty after the order making the assessment has become a final order and such person has not timely filed a petition for judicial review of the order or after a court in an action has entered a final judgment in favor of the chief election officer which is no longer subject to appeal, the Attorney General shall proceed to recover the amount assessed in an action brought in any appropriate court. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to a review.

(g)(1) Any proceedings conducted by the chief election officer prior to a finding that there are reasonable grounds to believe a violation of election law has occurred or is about to occur shall be confidential and none of the records of the Office of State Election Administration concerning the complaint shall be made public, except that the person filing a complaint may make such complaints public, and such records shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50.

(2) If the chief election officer makes a finding that a violation of law has occurred or is about to occur, the finding of the chief election officer, any notice of charges, and any answer or similar documents filed with the Office of State Election Administration shall be made public; and all proceedings conducted before an administrative law judge, and all documents used during such proceedings, shall be made public.

(3) After the dismissal of a complaint or the conclusion of proceedings following a finding of reasonable grounds to believe that a violation of election law has or is about to occur, the Office of State Election Administration shall make public as soon as practicable the complaint, any notice of charges, and any answer or similar documents filed with the Office of State Election Administration; any order setting forth the chief election officer's final action on the complaint; and all documentary materials and testimony constituting the record on which the chief election officer relied in taking his or her actions. The affirmative disclosure requirement of this subsection is without prejudice to the right of any person to request and obtain records relating to an investigation under Article 4 of Chapter 18 of Title 50."

SECTION 10.

Said chapter is further amended by adding new Code sections as follows:

"21-2-35.

(a) There shall be in the Office of State Election Administration a staff director who shall be appointed by the chief election officer. The staff director shall assist in the administration and operation of the Office of State Election Administration, shall perform such responsibilities as the chief election officer shall prescribe, and may, with the approval of the chief election officer, appoint and fix the pay of such additional personnel as the staff

1 director shall consider appropriate and procure temporary and intermittent services where
2 needed.

3 (b) There shall be in the Office of State Election Administration a general counsel who
4 shall be appointed by the chief election officer. The general counsel shall serve as the chief
5 legal officer of the Office of State Election Administration, provide legal assistance to the
6 Office of State Election Administration concerning its programs and policies, advise and
7 assist the Office of State Election Administration in carrying out its responsibilities under
8 this chapter, and assist the Attorney General, as needed, in representing the Office of State
9 Election Administration in any proceeding in court or before an administrative law judge.

10 (c) The staff director, general counsel, and all other employees of the Office of State
11 Election Administration shall endeavor to be nonpartisan in all actions and statements and
12 shall not engage in any political campaign; serve as an officer of any political party or any
13 partisan organization; publicly support or oppose any candidate, including a candidate for
14 any local, state, or federal office, or partisan organization; nor make any contribution to any
15 candidate, including a candidate for any local, state, or federal office, political party, or
16 partisan organization.

17 21-2-36.

18 (a) To assist in carrying out the provisions of this chapter, the chief election officer shall
19 convene an advisory group which shall meet quarterly with the chief election officer to
20 provide technical expertise to the chief election officer and assure transparency and
21 accountability in the conduct of elections.

22 (b) The advisory group shall be composed of:

23 (1) One member who shall be an attorney knowledgeable in matters of election law
24 selected by the chief election officer;

25 (2) One member who shall be a person with expertise in matters of voting technology
26 and systems selected by the chief election officer;

27 (3) One member from each political party in the state selected by the state executive
28 committee of the political party;

29 (4) One member from each of the three most populous counties in the state selected by
30 the election superintendent of each such county;

31 (5) One member who shall be the chief officer of the Georgia Association of Election
32 Officials and one member who shall be the chief officer of the Voter Registrars
33 Association of Georgia;

34 (6) One member who shall be a person with expertise in matters of law enforcement
35 selected by the Attorney General;

1 (7) One member who is currently serving as the district attorney of a county of the state
2 selected by the Attorney General; and

3 (8) At least two members selected by the chief election officer who represent community
4 organizations, including representatives from voting rights organizations, organizations
5 whose mission is to defend citizens' civil rights, organizations whose mission is to defend
6 the rights of people with disabilities, and organizations whose mission is to promote civic
7 participation and expand voting to all eligible voters.

8 (c) The advisory group shall be only for the purposes of consulting with, recommending,
9 and advising the chief election officer on matters of policy and election administration
10 coming before the advisory group. Final decision making authority shall remain with the
11 chief election officer.

12 (d) The advisory group shall ensure that each meeting of the advisory group is open to the
13 public and provide, at each meeting, an opportunity for interested persons to present oral
14 or written statements concerning items on the agenda.

15 (e) The chief election officer shall provide to the public timely notice of each meeting of
16 the advisory group.

17 (f) The chief election officer shall keep the minutes of each meeting of the advisory group
18 and shall make the minutes of each meeting available to the public for inspection and
19 distribution.

20 (g) Members of the advisory group shall serve without compensation for their service as
21 a part of the advisory group.

22 21-2-37.

23 (a) On January 1, 2009, the State Election Board shall be abolished. All files, records, and
24 documents maintained by the State Election Board, whether in paper or electronic form,
25 shall be transferred on or before that date to the chief election officer.

26 (b) On January 1, 2009, all files, records, and documents relating to elections maintained
27 by the Secretary of State, whether in paper or electronic form, shall be transferred to the
28 chief election officer.

29 (c) All rules and regulations of the State Election Board and the Secretary of State
30 promulgated pursuant to the provisions of this chapter in effect on December 31, 2008,
31 shall remain in force and effect as rules of the chief election officer until amended or
32 repealed by the chief election officer.

33 (d) On January 1, 2009, the chief election officer shall be substituted as a party in lieu of
34 the State Election Board or the Secretary of State, as the case may be, in all enforcement
35 actions, investigations, and legal proceedings brought under the provisions of this chapter
36 by, on behalf of, or against the State Election Board or the Secretary of State.

(e) On January 1, 2009, all contracts entered into by the State Election Board or the Secretary of State pursuant to the provisions of this chapter or in furtherance of fulfilling the duties of the State Election Board or Secretary of State under this chapter shall be transferred to the chief election officer.

(f) On January 1, 2009, any full-time or part-time or equivalent position, used exclusively or principally to administer the provisions of this chapter on behalf of the State Election Board or the Secretary of State, shall be administratively transferred to the Office of State Election Administration. Any person serving immediately prior to January 1, 2009, as an independent contractor under contract or written order of appointment to fulfill or assist the State Election Board or the Secretary of State in fulfilling the duties of the State Election Board or the Secretary of State under this chapter shall be administratively transferred to the Office of State Election Administration as of January 1, 2009. All office space used exclusively or principally by personnel transferred under this subsection shall be transferred to the Office of State Election Administration as of January 1, 2009. All equipment or other tangible property which is used or held exclusively or principally by personnel transferred under this subsection shall be transferred to the Office of State Election Administration as of January 1, 2009. All such transfers shall be subject to the approval of the chief election officer and such personnel or property shall not be transferred if the chief election officer determines that the employee, equipment, office space, or property should remain with the transferring entity. Funding for functions and positions transferred to the Office of State Election Administration under this chapter shall be transferred as provided for in Code Section 45-12-90 on January 1, 2009."

SECTION 11.

Said chapter is further amended by revising Code Section 21-2-50, relating to the powers and duties of the Secretary of State, as follows:

"21-2-50.

(a) The ~~Secretary of State~~ chief election officer shall exercise all the powers granted to the ~~Secretary of State~~ chief election officer by this chapter and shall perform all the duties imposed by this chapter, which shall include the following:

(1) To determine the forms of nomination petitions, ballots, and other forms the ~~Secretary of State~~ chief election officer is required to determine under this chapter;

(2) To receive registration statements from political parties and bodies and to determine their sufficiency prior to filing, in accordance with this chapter, and to settle any disputes concerning such statements;

1 (3) To receive and determine the sufficiency of nomination petitions of candidates filing
2 notice of their candidacy with the ~~Secretary of State~~ chief election officer in accordance
3 with this chapter;

4 (4) To certify to the proper superintendent official lists of all the political party
5 candidates who have been certified to the ~~Secretary of State~~ chief election officer as
6 qualified candidates for the succeeding primary and to certify to the proper
7 superintendent official lists of all the candidates who have filed their notices of candidacy
8 with the ~~Secretary of State~~ chief election officer, both such certifications to be in
9 substantially the form of the ballots to be used in the primary or election. The ~~Secretary~~
10 ~~of State~~ chief election officer shall add to such form the language to be used in submitting
11 any proposed constitutional amendment or other question to be voted upon at such
12 election;

13 (5) To furnish to the proper superintendent all blank forms, including tally and return
14 sheets, numbered lists of voters, cards of instructions, notices of penalties, instructions
15 for marking ballots, tally sheets, precinct returns, recap sheets, consolidated returns, oaths
16 of managers and clerks, oaths of assisted electors, voters certificates and binders,
17 applications for absentee ballots, envelopes and instruction sheets for absentee ballots,
18 and such other supplies as the ~~Secretary of State~~ chief election officer shall deem
19 necessary and advisable from time to time, for use in all elections and primaries. Such
20 forms shall have printed thereon appropriate instructions for their use;

21 (6) To receive from the superintendent the returns of primaries and elections and to
22 canvass and compute the votes cast for candidates and upon questions, as required by this
23 chapter;

24 (7) To furnish upon request a certified copy of any document in the ~~Secretary of State's~~
25 chief election officer's custody by virtue of this chapter and to fix and charge a fee to
26 cover the cost of furnishing same;

27 (8) To perform such other duties as may be prescribed by law;

28 (9) To determine and approve the form of ballots for use in special elections;

29 (10) To prepare and provide a notice to all candidates for federal or state office advising
30 such candidates of such information, to include requirements of this chapter, as may, in
31 the discretion of the ~~Secretary of State~~ chief election officer, be conducive to the fair,
32 legal, and orderly conduct of primaries and elections. A copy of such notice shall be
33 provided to each superintendent for further distribution to candidates for county and
34 militia district offices;

35 (11) To conduct training sessions at such places as the ~~Secretary of State~~ chief election
36 officer deems appropriate in each year, for the training of registrars and superintendents
37 of elections;

(12) To prepare and publish, in the manner provided in this chapter, all notices and advertisements in connection with the conduct of elections which may be required by law;

(13) To prepare and furnish information for citizens on voter registration and voting;

(14) To maintain the official list of registered voters for this state and the list of inactive voters required by this chapter; and

(15) To develop, program, build, and review ballots for use by counties and municipalities on direct recording electronic (DRE) voting systems in use in the state.

~~(b) As the state's chief election official, the Secretary of State shall not serve in any fiduciary capacity for the campaign of any candidate whose election will be certified by the Secretary of State. Nothing in this subsection shall prohibit the Secretary of State from organizing and operating his or her own campaign for election to public office."~~

SECTION 12.

Said chapter is further amended by revising Code Section 21-2-50.1, relating to postponement and extension of qualifying periods for elections for public office during state of emergency, as follows:

"21-2-50.1.

In the event the Governor declares that a state of emergency or disaster exists pursuant to Code Section 38-3-51 or a federal agency declares that a state of emergency or disaster exists, the ~~Secretary of State~~ chief election officer is authorized to postpone or extend the qualifying periods provided in this chapter for the qualification of candidates seeking municipal, county, or state-wide office and to postpone the date of any primary, special primary, election, or special election in the affected area. The ~~Secretary of State~~ chief election officer shall exercise the powers granted by this Code section carefully, and any such postponement or extension shall not exceed 45 days."

SECTION 13.

Said chapter is further amended by revising Code Section 21-2-50.2, relating to obligations of the state under the federal Help America Vote Act of 2002, as follows:

"21-2-50.2.

(a) The ~~Secretary of State~~ chief election officer, as the chief election official designated under the federal Help America Vote Act of 2002, shall be responsible for coordinating the obligations of the state under the federal Help America Vote Act of 2002.

(b) As the chief election official, the ~~Secretary of State~~ chief election officer is authorized to promulgate rules and regulations to establish administrative complaint procedures as required under Section 402 of Title IV of the federal Help America Vote Act of 2002,

1 which prescribes a process to remedy only those grievances filed under Title III of such
2 federal act.

3 (c) Election related complaints filed with the ~~Secretary of State~~ chief election officer
4 alleging violations of Title III of the federal Help America Vote Act of 2002 shall not be
5 subject to hearing procedures of Chapter 13 of Title 50, the 'Georgia Administrative
6 Procedure Act,' but shall be resolved pursuant to rules and regulations promulgated under
7 subsection (b) of this Code section whereby the ~~Secretary of State~~ chief election officer
8 shall have the authority to issue a final order for complaints filed under the federal Help
9 America Vote Act of 2002."

10 SECTION 14.

11 Said chapter is further amended by revising Code Section 21-2-51, relating to opening of
12 election records to members of public, as follows:

13 "21-2-51.

14 Except when otherwise provided by law, the primary and election records of the ~~Secretary~~
15 ~~of State~~ chief election officer, including registration statements, nomination petitions,
16 affidavits, certificates, tally papers, returns, accounts, contracts, reports, and other
17 documents in his or her custody shall be open to public inspection and may be inspected
18 and copied by any elector of the state during usual business hours at any time when they
19 are not necessarily being used by the ~~Secretary of State~~ chief election officer or his or her
20 employees having duties to perform in reference thereto; provided, however, that such
21 public inspection thereof shall only be in the presence of the ~~Secretary of State~~ chief
22 election officer or his or her employee and shall be subject to proper regulation for the
23 safekeeping of such documents and subject to the further provisions of this chapter."

24 SECTION 15.

25 Said chapter is further amended by revising Code Section 21-2-52, relating to preservation
26 of primary and election records, as follows:

27 "21-2-52.

28 All primary and election documents in the office of the ~~Secretary of State~~ chief election
29 officer shall be preserved therein for a period of at least 24 months; and then the same may
30 be destroyed unless otherwise provided by law."

31 SECTION 16.

32 Said chapter is further amended by revising Code Section 21-2-70, relating to powers and
33 duties of superintendents, as follows:

1 "21-2-70.

2 Each superintendent within his or her county or municipality shall exercise all the powers
3 granted to him or her by this chapter and shall perform all the duties imposed upon him or
4 her by this chapter, which shall include the following:

5 (1) To receive and act upon all petitions presented by electors, the board of registrars, or
6 the county executive committee of a political party for the division, redivision, alteration,
7 change, or consolidation of precincts;

8 (2) To receive and determine the sufficiency of nomination petitions of candidates filing
9 notice of their candidacy with him or her in accordance with this chapter;

10 (3) To prepare and publish, in the manner provided by this chapter, all notices and
11 advertisements, in connection with the conduct of elections, which may be required by
12 law, and to transmit immediately to the ~~Secretary of State~~ chief election officer a copy
13 of any publication in which a call for a special primary, election, or runoff is issued;

14 (4) To select and equip polling places for use in primaries and elections in accordance
15 with this chapter;

16 (5) To purchase, except voting machines, preserve, store, and maintain election
17 equipment of all kinds, including voting booths and ballot boxes and to procure ballots
18 and all other supplies for primaries and elections;

19 (6) To appoint poll officers and other officers to serve in primaries and elections in
20 accordance with this chapter;

21 (7) To make and issue such rules, regulations, and instructions, consistent with law,
22 including the rules and regulations promulgated by the ~~State Election Board~~ chief election
23 officer, as he or she may deem necessary for the guidance of poll officers, custodians, and
24 electors in primaries and elections;

25 (8) To instruct poll officers and others in their duties, calling them together in meetings
26 whenever deemed advisable, and to inspect systematically and thoroughly the conduct
27 of primaries and elections in the several precincts of his or her county to the end that
28 primaries and elections may be honestly, efficiently, and uniformly conducted;

29 (9) To receive from poll officers the returns of all primaries and elections, to canvass and
30 compute the same, and to certify, as soon as practicable following the primary and
31 election, the results thereof to such authorities as may be prescribed by law;

32 (10) To announce publicly, by posting in his or her office, the results of all primaries and
33 elections held in his or her county;

34 (11) In any general election at which a proposal to amend the Constitution or to provide
35 for a new Constitution is submitted to the electors for ratification, the election
36 superintendent shall provide copies of the summary of such proposal prepared pursuant
37 to Article X, Section I, Paragraph II of the Constitution as provided in this paragraph. A

1 reasonable number of copies of such summary shall be conspicuously available in each
2 polling place;

3 (12) To prepare annually a budget estimate of his or her expenses under this chapter, in
4 which shall be set forth an itemized list of expenditures for the preceding two years and
5 an itemized estimate of the amount of money necessary to be appropriated for the ensuing
6 year and to submit the same at the time and in the manner and form other budget
7 estimates of his or her county are now or may hereafter be required to be filed;

8 (13) To conduct all elections in such manner as to guarantee the secrecy of the ballot and
9 to perform such other duties as may be prescribed by law;

10 (14) To become certified by satisfactorily completing a certification program approved
11 by the ~~Secretary of State~~ chief election officer no later than ~~January 1, 2007~~ December
12 31 of the year in which such person becomes a superintendent. Such program may
13 include instruction on, and may require the superintendent to demonstrate proficiency in,
14 the operation of the state's direct recording electronic voting equipment and in state and
15 federal law and procedures related to elections. In the case of boards of elections or
16 boards of elections and registration, this requirement may be satisfied either by the
17 certification of the members of the board or the board's designee; and

18 (15) To take an oath in the following form:

19 I, _____, do swear (or affirm) that I will as superintendent
20 duly attend the ensuing election (or primary) during the continuance thereof, that I will
21 to the best of my ability prevent any fraud, deceit, or abuse in carrying on the same, that
22 I will make a true and perfect return of the said election (or primary), and that I will at
23 all times truly, impartially, and faithfully perform my duties in accordance with Georgia
24 laws to the best of my judgment and ability."

25 SECTION 17.

26 Said chapter is further amended by revising subsection (c) of Code Section 21-2-70.1,
27 regarding municipal superintendents, as follows:

28 "(c) As prescribed and directed by the ~~Secretary of State~~ chief election officer, the
29 municipal superintendent or, in the case of a board of elections or board of elections and
30 registration, its designee shall satisfactorily complete a certification program approved by
31 the ~~Secretary of State~~ chief election officer no later than ~~January 1, 2007~~ December 31 of
32 the year in which such person becomes a superintendent. Such program may include
33 instruction on, and may require the superintendent to demonstrate proficiency in, the
34 operation of the voting equipment used in such superintendent's municipality and in state
35 and federal law and procedures related to elections."

SECTION 18.

Said chapter is further amended by revising Code Section 21-2-77, relating to electronic election returns, as follows:

"21-2-77.

(a) ~~Beginning with the election cycle in the year 2000, the superintendent of elections of each county shall provide electronically to the Secretary of State within 45 days after the close of voting, election returns divided by precinct for each precinct in their respective counties for all primaries, elections, special primaries, special elections, and runoffs for such elections for federal or state offices held in that year or any following year.~~

(b) ~~Beginning with the election cycle in the year 2002, the~~ The superintendent of elections of each county shall provide electronically to the ~~Secretary of State~~ chief election officer, within seven days after the close of voting, election returns divided by precinct for each precinct in their respective counties for all primaries, elections, special primaries, special elections, and runoffs for such elections for federal, state, and county offices held in that year or any following year.

~~(c)~~(b) The ~~Secretary of State~~ chief election officer is authorized to prescribe by rule or regulation the type of electronic format for the provision of such election returns."

SECTION 19.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-99, relating to instruction of poll officers and workers in election procedures, as follows:

"(a) The election superintendent shall provide adequate training to all poll officers and poll workers regarding the use of voting equipment, voting procedures, all aspects of state and federal law applicable to conducting elections, and the poll officers' or poll workers' duties in connection therewith prior to each general primary and general election and each special primary and special election; provided, however, such training shall not be required for a special election held between the date of the general primary and the general election. Upon successful completion of such instruction, the superintendent shall give to each poll officer and poll worker a certificate to the effect that such person has been found qualified to conduct such primary or election with the particular type of voting equipment in use in that jurisdiction. Additionally, the superintendent shall notify the ~~Secretary of State~~ chief election officer on forms to be provided by the ~~Secretary of State~~ chief election officer of the date when such instruction was held and the number of persons attending and completing such instruction. For the purpose of giving such instructions, the superintendent shall call such meeting or meetings of poll officers and poll workers as shall be necessary. Each poll officer shall, upon notice, attend such meeting or meetings called for his or her instruction."

SECTION 20.

Said chapter is further amended by revising Code Section 21-2-100, relating to training of local election officials, as follows:

"21-2-100.

(a) The election superintendent and at least one registrar of the county or, in counties with boards of election or combined boards of election and registration, at least one member of the board or a designee of the board shall attend a minimum of 12 hours' training annually as may be selected by the ~~Secretary of State~~ chief election officer. The election superintendent and at least one registrar of each municipality shall attend a minimum of 12 hours' training biennially as may be selected by the ~~Secretary of State~~ chief election officer.

(b) The basis for the minimum requirement of training shall be two calendar years.

(c) A waiver of the requirement of minimum training, either in whole or in part, may be granted by the ~~Secretary of State~~ chief election officer, in the discretion of the ~~Secretary of State~~ chief election officer, upon the presentation of evidence by the election superintendent, registrar, or board that the individual was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the ~~Secretary of State~~ chief election officer.

(d) The cost of the training shall be borne by the governing authority of each county from county funds and by the municipal governing authority from municipal funds.

(e) A superintendent or registrar and the county or municipal governing authority which employs the superintendent or registrar may be fined by the ~~State Election Board~~ chief election officer for failure to attend the training required in this Code section.

(f) The minimum training required under this Code section shall not apply to deputy registrars."

SECTION 21.

Said chapter is further amended by revising Code Section 21-2-101, relating to certification program for election superintendents or election board designee, as follows:

"21-2-101.

(a) All election superintendents or, in the case of a board of elections or a board of elections and registration, the designee of such board charged with the daily operations of such board shall become certified by completing a certification program approved by the ~~Secretary of State~~ chief election officer by no later than December 31 of the year in which they are appointed. Such program may include instruction on, and may require the superintendent to demonstrate proficiency in, the operation of the state's direct recording electronic voting equipment and in state and federal law and procedures related to

elections. The local government employing the superintendent or designee shall cover the costs, if any, incurred by such superintendent or designee's participation in the certification program. Such certification programs shall be offered by the ~~Secretary of State~~ chief election officer on multiple occasions before December 31 of the year in which such superintendents or designees are appointed and shall not exceed 64 hours of classroom, online, and practical instruction as authorized and approved by the ~~Secretary of State~~ chief election officer.

(b) A waiver of the certification requirement, either in whole or in part, may be granted by the ~~Secretary of State~~ chief election officer, in the discretion of the ~~Secretary of State~~ chief election officer, upon the presentation of evidence by the election superintendent or board that the individual was unable to complete such training due to medical disability, providential cause, or other reason deemed sufficient by the ~~Secretary of State~~ chief election officer.

(c) A superintendent and the county or municipal governing authority which employs the superintendent may be fined by the ~~State Election Board~~ chief election officer for failure to attain the certification required in this Code section."

SECTION 22.

Said chapter is further amended by revising Code Section 21-2-110, relating to filing of registration statements by political parties or bodies with the Secretary of State, as follows:
"21-2-110.

(a) The chief executive officer of each political party or body operating in this state shall, within 60 days after the date of its organization or after June 24, 1964, whichever is later, file with the ~~Secretary of State~~ chief election officer a registration statement setting forth:

(1) Its name and the date and place of its creation;

(2) The general purposes for which it was created;

(3) Certified copies of its charter, bylaws, rules, and regulations, and other documents of like dignity governing its organization and operation;

(4) The address of its principal office;

(5) The names, home addresses, and titles of the persons composing its governing committee and executive officers; and

(6) Such other information as the ~~Secretary of State~~ chief election officer may require as necessary or appropriate in the public interest.

(b) The chief executive officer of each municipal executive committee, whose state executive committee has already filed with the ~~Secretary of State~~ chief election officer as a political party or body, shall promptly file with the city clerk of the municipality and with its state political party or body executive committee a registration statement setting forth:

(1) Its name and certified copies of its charter, bylaws, rules and regulations, and other documents of like dignity governing its organization and operation;

(2) The address of its principal office; and

(3) The names of its members, home addresses, and titles of the persons composing its governing committee and executive officers.

(c) No registration statement of a party, body, or municipal executive committee shall be filed if the name of such party, body, or municipal executive committee is identical with, or deceptively similar to, the name of any other existing party, body, or municipal executive committee which was organized earlier and is eligible at the time to file its registration statement with the ~~Secretary of State~~ chief election officer.

(d) Within 30 days after the occurrence of a change in the information contained in any registration statement, or prior amendment thereto, the chief executive officer of the party, body, or municipal executive committee filing such statement shall file an amendment thereto setting forth the information necessary to maintain the currency of such statement.

(e) The ~~Secretary of State~~ chief election officer shall receive a fee of \$10.00 for filing each registration statement required by subsection (a) of this Code section and a fee of \$2.00 for filing each amendment thereto.

(f) A political party, body, or municipal executive committee failing to file a registration statement as required by subsection (a) or (b) of this Code section at least 60 days before any primary or election at which it shall seek to have candidates on the ballot shall not have its name or the names of its candidates placed on any nomination petition, ballot, or ballot label."

SECTION 23.

Said chapter is further amended by revising subsection (b) of Code Section 21-2-111, relating to establishment of state and county executive committees, as follows:

"(b) The state executive committee of each political party shall formulate, adopt, and promulgate rules and regulations, consistent with law, governing the conduct of conventions and other party affairs. No such rule and regulation shall be effective until copies thereof, certified by the chairperson, have been filed with the ~~Secretary of State~~ chief election officer."

SECTION 24.

Said chapter is further amended by revising Code Section 21-2-113, relating to chief executive and county executive committees, as follows:

1 "21-2-113.

2 (a) Each political body shall establish and maintain a chief executive committee exercising
3 jurisdiction and control over body affairs in the area of the state in which it operates and
4 a county executive committee exercising county-wide jurisdiction and control over body
5 affairs in each county in which the body operates if it operates in two or more counties.
6 A body may establish and maintain such other committees as it may from time to time
7 deem advisable. The membership of such committees shall be selected in the manner
8 determined by the chief executive committee. Each committee shall be presided over by
9 a chairperson and shall have a secretary and such other officers as deemed advisable.

10 (b) The chief executive committee of each political body shall formulate, adopt, and
11 promulgate rules and regulations, consistent with law, governing the conduct of
12 conventions and other body affairs. No such rule and regulation shall be effective until
13 copies thereof, certified by the chairperson, have been filed with the ~~Secretary of State~~
14 chief election officer.

15 (c) The respective county executive committees of each political body shall formulate,
16 adopt, and promulgate rules and regulations, consistent with law and the rules and
17 regulations of the chief executive committee, governing the conduct of conventions and
18 other body affairs. No such rule or regulation shall be effective until a copy thereof,
19 certified by the chairperson, has been filed with the superintendent of the county.

20 (d) Whenever a municipal executive committee of a political party is established, such
21 committee shall formulate, adopt, and promulgate rules and regulations, consistent with
22 law and the rules and regulations of the ~~State Election Board~~ chief election officer and the
23 state executive committee, governing the conduct of primaries, conventions, and other
24 party affairs within the municipality. No such rule and regulation shall be effective until
25 copies thereof, certified by the chairperson, have been filed with the clerk of the
26 municipality."

27 SECTION 25.

28 Said chapter is further amended by revising Code Section 21-2-131, relating to fixing and
29 publishing of qualification fees, as follows:

30 "21-2-131.

31 (a) Qualification fees for party and public offices shall be fixed and published as follows:

32 (1)(A) The governing authority of any county or municipality, not later than February 1
33 of any year in which a general primary, nonpartisan election, or general election is to
34 be held, and at least 35 days prior to the special primary or election in the case of a
35 special primary or special election, shall fix and publish a qualifying fee for each
36 county or municipal office to be filled in the upcoming primary or election. Except as

otherwise provided in subparagraph (B) of this paragraph, such fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office.

(B) For the offices of clerk of the superior court, judge of the probate court, sheriff, tax commissioner, and magistrate, the qualifying fee shall be 3 percent of the minimum salary specified in subsection (a) of Code Section 15-6-88, paragraph (1) of subsection (a) of Code Section 15-9-63, subsection (a) of Code Section 15-10-23, paragraph (1) of subsection (a) of Code Section 15-16-20, and paragraph (1) of subsection (b) of Code Section 48-5-183, exclusive of supplements, cost-of-living increases, and longevity increases. For the office of members of the county governing authority, the qualifying fee shall be 3 percent of the base salary established by local Act of the General Assembly or by Code Section 36-5-25 as adjusted pursuant to Code Section 36-5-24, if applicable, exclusive of compensation supplements for training provided for in Code Section 36-5-27 and cost-of-living adjustments pursuant to Code Section 36-5-28. If not a salaried office, a reasonable fee shall be set by the governing authority of such county or municipality, such fee not to exceed 3 percent of the income derived from such county office by the person holding the office for the preceding year or more than \$35.00 for a municipal office;

(2) Within the same time limitation as provided in subparagraph (A) of paragraph (1) of this subsection, the ~~Secretary of State~~ chief election officer shall fix and publish a qualifying fee for any candidate qualifying by this method with a state political party and for any candidate qualifying with the ~~Secretary of State~~ chief election officer for a nonpartisan election and for any candidate filing with the ~~Secretary of State~~ chief election officer his or her notice of candidacy for a general or special election. Such fee shall be 3 percent of the annual salary of the office if a salaried office, except that the fee for members of the General Assembly shall be \$400.00. If not a salaried office, a reasonable fee shall be set by the ~~Secretary of State~~ chief election officer, such fee not to exceed 3 percent of the income derived from such office by the person holding the office for the preceding year; and

(3) A reasonable qualifying fee may be set according to party rule for each political party office to be filled in a primary. Such fees shall be set and published by the county or state political party not later than February 1 of the year in which the primary is to be held for the filling of such party office.

(b) Qualifying fees shall be paid as follows:

(1) The qualifying fee for a candidate in a primary shall be paid to the county or state political party at the time the candidate qualifies; and

(2) The qualifying fee for all other candidates shall be paid to the superintendent or ~~Secretary of State~~ chief election officer at the time the notice of candidacy is filed by the candidate.

(c) Qualifying fees shall be prorated and distributed as follows:

(1) Fees paid to the county political party: 50 percent to be retained by the county political party with which the candidate qualified; 50 percent to be transmitted to the superintendent of the county with the party's certified list of candidates not later than 12:00 Noon of the third day after the deadline for qualifying in the case of a general primary and by 12:00 Noon of the day following the closing of qualifications in the case of a special primary. Such fees shall be transmitted as soon as practicable by the superintendent to the governing authority of the county, to be applied toward the cost of the primary and election;

(2) Fees paid to the state political party: 75 percent to be retained by the state political party; 25 percent to be transmitted to the ~~Secretary of State~~ chief election officer with the party's certified list of candidates not later than 12:00 Noon of the third day after the deadline for qualifying in the case of a general primary and by 12:00 Noon of the day following the closing of qualifications in the case of a special primary. Such fees shall be transmitted as soon as practicable by the ~~Secretary of State~~ chief election officer as follows: one-third to the state treasury and two-thirds divided among the governing authorities of the counties in the candidate's district in proportion to the population of each such county according to the last United States decennial census, such fees to be applied to the cost of holding the election;

(3) Qualification fees paid to the superintendent of the county:

(A) If the person qualifies as a candidate of a political body, 50 percent shall be transmitted to the state executive committee of the appropriate political body and 50 percent shall be retained by the superintendent of the county;

(B) If the person qualifies directly with the election superintendent as a candidate of a political party in accordance with subsection (c) of Code Section 21-2-153, 25 percent shall be transmitted to the state executive committee of the appropriate political party and 75 percent shall be retained by the superintendent of the county; and

(C) If the person qualifies as an independent or nonpartisan candidate, the superintendent of the county shall retain the entire amount of the fees.

Such fees shall be transmitted as soon as practicable by the superintendent to the governing authority of the county, to be applied toward the cost of holding the election;

(4) Qualification fees paid to the ~~Secretary of State~~ chief election officer shall be prorated and distributed as follows:

(A) If the person qualifies as the candidate of a political body, 75 percent shall be transmitted to the appropriate political body and 25 percent shall be retained by the ~~Secretary of State~~ chief election officer; and

(B) If the person qualifies as an independent or nonpartisan candidate, the ~~Secretary of State~~ chief election officer shall retain the entire amount of the fees.

Such fees shall be transmitted as soon as practicable by the ~~Secretary of State~~ chief election officer as follows: one-third to the state treasury and two-thirds divided among the governing authorities of the counties in proportion to the population of each county according to the last United States decennial census, such fees to be applied to the cost of holding the election; and

(5) Qualification fees paid to the superintendent of a municipality:

(A) If the person qualifies as a candidate of a political body, 50 percent shall be transmitted to the state executive committee of the appropriate political body and 50 percent shall be retained by the superintendent of the municipality; and

(B) If the person qualifies as an independent or nonpartisan candidate, the superintendent of the municipality shall retain the entire amount of the fees.

Such fees shall be transmitted as soon as practicable by the superintendent to the governing authority of the municipality, to be applied toward the cost of holding the election."

SECTION 26.

Said chapter is further amended by revising Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, as follows:

"21-2-132.

(a) The names of nominees of political parties nominated in a primary and the names of nominees of political parties for the office of presidential elector shall be placed on the election ballot without their filing the notice of candidacy otherwise required by this Code section.

(b) Candidates seeking election in a nonpartisan election shall comply with the requirements of subsections (c) and (f) of this Code section, as modified by subsection (g) of this Code section, by the date prescribed and shall by the same date pay to the proper authority the qualifying fee prescribed by Code Section 21-2-131 in order to be eligible to have their names placed on the nonpartisan election ballots.

(c) Except as provided in subsection (i) of this Code section, all candidates seeking election in a nonpartisan election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their

names placed on the nonpartisan election ballot by the ~~Secretary of State~~ chief election officer or election superintendent, as the case may be, in the following manner:

(1) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the ~~Secretary of State~~ chief election officer no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June, notwithstanding the fact that any such days may be legal holidays; and

(2) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June, notwithstanding the fact that any such days may be legal holidays.

(d) Except as provided in subsection (i) of this Code section, all political body and independent candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the election ballot by the ~~Secretary of State~~ chief election officer or election superintendent, as the case may be, in the following manner:

(1) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the ~~Secretary of State~~ chief election officer no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election;

(2) Each candidate for a county office, or his or her agent, desiring to have his or her name placed on the election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election; and

(3) Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Qualifying periods shall commence no earlier than 8:30 A.M. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election. The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour allowed for the lunch break; provided, however, that municipalities which have normal business hours which cover a lesser period of time shall conduct qualifying during normal business hours for each such municipality. Except in the case of a special election, notice of the opening and closing dates and the hours for candidates to qualify shall be published at least two weeks prior to the opening of the qualifying period.

(e) Except as provided in subsection (i) of this Code section, each candidate required to file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the second Tuesday in July immediately prior to the election, file with the same official with whom he or she filed his or her notice of candidacy a nomination petition in the form prescribed in Code Section 21-2-170, except that such petition shall not be required if such candidate is:

(1) A nominee of a political party for the office of presidential elector when such party has held a national convention and therein nominated candidates for President and Vice President of the United States;

(2) Seeking office in a special election;

(3) An incumbent qualifying as a candidate to succeed such incumbent if, prior to the election in which such incumbent was originally elected to the office for which such incumbent seeks reelection, such incumbent filed a notice of candidacy and a nomination petition as required by this chapter;

(4) A candidate seeking election in a nonpartisan election; or

(5) A nominee for a state-wide office by a duly constituted political body convention, provided that the political body making the nomination has qualified to nominate candidates for state-wide public office under the provisions of Code Section 21-2-180.

(f) Each candidate required by this Code section to file a notice of candidacy shall accompany his or her notice of candidacy with an affidavit stating:

(1) His or her full name and the name as the candidate desires it to be listed on the ballot. The surname of the candidate shall be the surname of the candidate as it appears on the candidate's voter registration card unless the candidate provides proof that his or her surname as it appears on the candidate's registration card is incorrect in which event the correct name shall be listed. After such name is submitted to the ~~Secretary of State~~ chief election officer or the election superintendent, the form of such name shall not be changed during the election for which such notice of candidacy is submitted;

(2) His or her residence, with street and number, if any, and his or her post office address;

(3) His or her profession, business, or occupation, if any;

(4) The name of his or her precinct;

(5) That he or she is an elector of the county or municipality of his or her residence eligible to vote in the election in which he or she is a candidate;

(6) The name of the office he or she is seeking;

(7) That he or she is eligible to hold such office;

(8) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude or conviction of domestic violence under the laws of this state or any other state or of the United States, or that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;

(9) That he or she will not knowingly violate this chapter or rules and regulations adopted under this chapter; and

(10) Any other information as may be determined by the ~~Secretary of State~~ chief election officer to be necessary to comply with federal and state law.

The affidavit shall contain such other information as may be prescribed by the officer with whom the candidate files his or her notice of candidacy.

(g) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by this Code section and Code Sections 21-2-131 and 21-2-138 of any candidate who has filed a qualifying petition as provided for in subsection (h) of this Code section. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm his or her poverty and his or her resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be prescribed by the ~~Secretary of State~~ chief election officer and shall include a financial statement which lists the total income, assets, liabilities, and other relevant financial information of the candidate and shall indicate on its face that the candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The affidavit shall contain an oath that such candidate

1 has neither the assets nor the income to pay the qualifying fee otherwise required. The
2 following warning shall be printed on the affidavit form prepared by the ~~Secretary of State~~
3 chief election officer, to wit: 'WARNING: Any person knowingly making any false
4 statement on this affidavit commits the offense of false swearing and shall be guilty of a
5 felony.' The name of any candidate who subscribes and swears to an oath that such
6 candidate has neither the assets nor the income to pay the qualifying fee otherwise required
7 shall be placed on the ballot by the ~~Secretary of State~~ chief election officer or election
8 superintendent, as the case may be.

9 (h) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the
10 qualifying fee otherwise required by this Code section and Code Section 21-2-138 unless
11 such candidate has filed a qualifying petition which complies with the following
12 requirements:

13 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
14 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
15 of registered voters eligible to vote in the last election for the filling of the office the
16 candidate is seeking and the signers of such petition shall be registered and eligible to
17 vote in the election at which such candidate seeks to be elected. A qualifying petition of
18 a candidate for any other office shall be signed by a number of voters equal to 1 percent
19 of the total number of registered voters eligible to vote in the last election for the filling
20 of the office the candidate is seeking and the signers of such petition shall be registered
21 and eligible to vote in the election at which such candidate seeks to be elected. However,
22 in the case of a candidate seeking an office for which there has never been an election or
23 seeking an office in a newly constituted constituency, the percentage figure shall be
24 computed on the total number of registered voters in the constituency who would have
25 been qualified to vote for such office had the election been held at the last general
26 election and the signers of such petition shall be registered and eligible to vote in the
27 election at which such candidate seeks to be elected;

28 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
29 qualified and registered elector of the state entitled to vote in the next election for the
30 filling of the office sought by the candidate supported by the petition and shall add to his
31 or her signature his or her residence address, giving municipality, if any, and county, with
32 street and number, if any. No person shall sign the same petition more than once. Each
33 petition shall support the candidacy of only a single candidate. A signature shall be
34 stricken from the petition when the signer so requests prior to the presentation of the
35 petition to the appropriate officer for filing, but such a request shall be disregarded if
36 made after such presentation;

(3) A qualifying petition shall be on one or more sheets of uniform size and different sheets must be used by signers resident in different counties. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the officer with whom the petition will be filed, the name of the candidate to be supported by the petition, his or her profession, business, or occupation, if any, his or her place of residence with street and number, if any, the name of the office he or she is seeking, his or her political party or body affiliation, if any, and the name and date of the election in which the candidate is seeking election. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one qualifying petition, and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, which affidavit must be subscribed and sworn to by such circulator before a notary public and shall set forth:

(A) His or her residence address, giving municipality with street and number, if any;

(B) That each signer manually signed his or her own name with full knowledge of the contents of the qualifying petition;

(C) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and

(D) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit;

(4) No qualifying petition shall be circulated prior to 180 days before the last day on which such petition may be filed, and no signature shall be counted unless it was signed within 180 days of the last day for filing the same; and

(5) A qualifying petition shall not be amended or supplemented after its presentation to the appropriate officer for filing.

No notary public may sign the petition as an elector or serve as a circulator of any petition which he or she notarized. Any and all sheets of a petition that have the circulator's affidavit notarized by a notary public who also served as a circulator of one or more sheets of the petition or who signed one of the sheets of the petition as an elector shall be disqualified and rejected.

(i) Notwithstanding any other provision of this chapter to the contrary, for general elections held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, candidates in such elections shall qualify as provided in this subsection:

(1) All candidates seeking election in a nonpartisan election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be eligible to have their names placed on the nonpartisan election ballot by the ~~Secretary of State~~ chief election officer or election superintendent, as the case may be, in the following manner:

(A) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the ~~Secretary of State~~ chief election officer no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July, notwithstanding the fact that any such days may be legal holidays; and

(B) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July, notwithstanding the fact that any such days may be legal holidays;

(2) All political body and independent candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be eligible to have their names placed on the general election ballot by the ~~Secretary of State~~ chief election officer or election superintendent, as the case may be, in the following manner:

(A) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the general election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the ~~Secretary of State~~ chief election officer no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July; and

(B) Each candidate for a county office, or his or her agent, desiring to have his or her name placed on the general election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July; and

(3) Candidates required to file nomination petitions under subsection (e) of this Code section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July

1 immediately prior to the general election and not later than 12:00 Noon on the first
2 Monday in August immediately prior to the general election."

3 **SECTION 27.**

4 Said chapter is further amended by revising Code Section 21-2-133, relating to giving notice
5 of intent of write-in candidacy, as follows:

6 "21-2-133.

7 (a) No person elected on a write-in vote shall be eligible to hold office unless notice of his
8 or her intention of candidacy was filed and published no earlier than January 1 and no later
9 than the Tuesday after the first Monday in September prior to the election for county, state,
10 and federal elections; no later than seven days after the close of the municipal qualifying
11 period for municipal elections in the case of a general election; or no later than seven days
12 after the close of the special election qualifying period for a special election by the person
13 to be a write-in candidate or by some other person or group of persons qualified to vote in
14 the subject election, as follows:

15 (1) In a state general or special election, notice shall be filed with the ~~Secretary of State~~
16 chief election officer and published in a newspaper of general circulation in the state;

17 (2) In a general or special election of county officers, notice shall be filed with the
18 superintendent of elections in the county in which he or she is to be a candidate and
19 published in the official organ of the same county; or

20 (3) In a municipal general or special election, notice shall be filed with the
21 superintendent and published in the official gazette of the municipality holding the
22 election.

23 (b) In addition to the requirements contained in subsection (a) of this Code section, the
24 person or persons giving notice of intention of candidacy for a write-in candidate shall also
25 file, with the appropriate official specified in paragraph (1), (2), or (3) of subsection (a) of
26 this Code section, a copy of the notice as published with an affidavit stating that the notice
27 has been published and including the name of the newspaper and the date of publication,
28 not later than the fifth day after the deadline for filing and publishing such notice. The
29 affidavit may be made by the person giving notice of intention of candidacy or by the
30 publisher of the newspaper in which the notice was published or by an employee of the
31 newspaper designated by the publisher.

32 (c) No person shall be eligible as a write-in candidate in a special or general primary, a
33 special or general primary runoff, or in a special or general election runoff.

34 (d) No person shall be eligible as a write-in candidate in a general or special election if
35 such person was a candidate for nomination or election to the same office in the
36 immediately preceding primary.

(e) The ~~Secretary of State~~ chief election officer or appropriate municipal official shall certify to the election superintendent of each county affected at least ten days prior to the general or special election the names of all persons who have filed notices of intention to be write-in candidates with the ~~Secretary of State~~ chief election officer or appropriate municipal official."

SECTION 28.

Said chapter is further amended by revising Code Section 21-2-134, relating to withdrawal, death, or disqualification of candidate for office, as follows:

"21-2-134.

(a)(1) A candidate nominated at any primary election or nominated by means other than a primary may withdraw as a candidate at the ensuing general election by filing a notarized affidavit of withdrawal with the ~~Secretary of State~~ chief election officer, if nominated for a state office; the county superintendent, if nominated for a county office; or the municipal superintendent, if nominated for a municipal office. The qualifying fee shall not be returned to the candidate. If the ballots have been printed, the ~~Secretary of State~~ chief election officer or the county or municipal superintendent may reprint the ballots to omit the name of the withdrawn candidate. All votes cast for the withdrawn candidate shall be void and shall not be counted. Prominent notices shall be posted in all polling places in which the name of the withdrawn candidate appears on the ballot stating that the candidate has withdrawn and that all votes cast for such withdrawn candidate shall be void and shall not be counted. No vacancy on the ballot for a general election or for a nonpartisan election shall be filled except by reason of the death or disqualification of a candidate or the withdrawal of a candidate as provided in paragraph (2) of subsection (b) of this Code section.

(2) A candidate in a general or special primary may withdraw as a candidate after qualifying but prior to the date of the general or special primary by filing a notarized affidavit of withdrawal with the ~~Secretary of State~~ chief election officer, if qualifying for a state office; the county election superintendent, if qualifying for a county office; or the municipal superintendent, if qualifying for a municipal office. A candidate of a political body or an independent candidate in a general or special election may withdraw as a candidate after qualifying but prior to the date of the general or special election by filing a notarized affidavit of withdrawal with the ~~Secretary of State~~ chief election officer, if qualifying for a state office; the county election superintendent, if qualifying for a county office; or the municipal superintendent, if qualifying for a municipal office. The qualifying fee shall not be returned to the candidate. If the ballots have been printed, the ~~Secretary of State~~ chief election officer, the county election superintendent, or the

1 municipal superintendent may reprint the ballots to omit the name of the withdrawn
2 candidate. All votes cast for the withdrawn candidate shall be void and shall not be
3 counted. Prominent notices shall be posted in all polling places in which the name of the
4 withdrawn candidate appears on the ballot stating that the candidate has withdrawn and
5 that all votes cast for such withdrawn candidate shall be void and shall not be counted.

6 (b)(1) Any vacancy in any party nomination filled by a primary created by reason of the
7 death or disqualification of a candidate occurring after nomination may be filled in the
8 following manner:

9 (A) In the case of a public office to be filled by the vote of the electors of the entire
10 state in which the vacancy occurs after nomination but at least ten days prior to the
11 election to fill the public office sought by such candidate, the vacancy may be filled by
12 a substitute nomination made by a convention composed of the delegates of the county
13 executive committee of such party in each county of the state. Immediately upon such
14 vacancy occurring, the state executive committee or a subcommittee thereof appointed
15 for the purpose shall fix a time within six days of the occurrence of such vacancy; shall
16 select and provide a convenient place for the holding of such a convention, which shall
17 be open to the public; and shall give notice thereof to the chairperson and secretary of
18 each county executive committee. Each county executive committee shall be entitled
19 to select the number of delegates apportioned to it by the state executive committee;
20 provided, however, that each county executive committee shall be entitled to select at
21 least one delegate. Such apportionment of delegates among the counties shall be based
22 substantially upon the population of the state according to the last United States
23 decennial census or upon the number of votes cast within the state for the party's
24 candidates for presidential electors in the last presidential election. A two-thirds'
25 majority of the delegates of such county executive committees shall constitute a
26 quorum for the transaction of business, and a majority of the delegates present while
27 a quorum exists shall be sufficient to fill such nomination by a substitute nomination.
28 Each delegate shall have one vote and all votes taken shall be by a roll-call vote. The
29 records of the convention shall be filed with the state executive committee. In the event
30 such a vacancy in party nomination shall occur during the ten days preceding the day
31 of such an election, such vacancy may be filled by a substitute nomination made by the
32 state executive committee or a subcommittee thereof appointed for that purpose;

33 (B) In the case of a public office for which a candidate must qualify with the state
34 executive committee, except a public office to be filled by the vote of the electors of the
35 entire state, the nomination may remain vacant or may be filled at the decision of the
36 state executive committee of the party. The decision whether to fill such vacancy shall
37 be made by the state executive committee by 4:00 P.M. on the next business day

1 following the actual knowledge of the death or disqualification of the candidate. The
2 decision of the state executive committee shall be immediately transmitted to the
3 ~~Secretary of State~~ chief election officer. If the ~~Secretary of State~~ chief election officer
4 has not been notified of the decision of the state executive committee by 4:30 P.M. on
5 the next business day following the actual knowledge of the vacancy, it shall be
6 conclusively presumed that the state executive committee has decided not to fill the
7 vacancy. If the state executive committee decides not to fill the vacancy, the
8 nomination shall remain vacant. If the state executive committee decides to fill the
9 vacancy, the vacancy shall be filled by a substitute nomination made by the state
10 executive committee or a subcommittee thereof appointed for that purpose;

11 (C) In the case of a public office for which a candidate must qualify with the county
12 executive committee, the nomination may remain vacant or may be filled at the
13 decision of the state executive committee of the party. The state executive committee
14 or a subcommittee thereof may determine on its own whether to fill the vacancy but is
15 authorized, though not required, to seek the recommendation of any of the following
16 persons for the purpose of determining whether to fill the vacancy: the county executive
17 committee, if any; persons from the area who are active in the party; persons who are
18 present or former officials of the party; persons who presently hold political office or
19 have sought political office as candidates of the party; or such other persons as the
20 committee or subcommittee may desire to consult. The decision whether to fill such
21 vacancy shall be made by the state executive committee by 4:00 P.M. on the next
22 business day following the actual knowledge of the death or disqualification of the
23 candidate. The decision of the state executive committee shall be immediately
24 transmitted to the county superintendent. If the county superintendent has not been
25 notified of the decision of the state executive committee by 4:30 P.M. on the next
26 business day following the actual knowledge of the vacancy, it shall be conclusively
27 presumed that the state executive committee has decided not to fill the vacancy. If the
28 state executive committee decides not to fill the vacancy, the nomination shall remain
29 vacant. If the state executive committee decides to fill the vacancy, the vacancy shall
30 be filled by a substitute nomination made by the state executive committee or a
31 subcommittee thereof appointed for that purpose. The state executive committee or a
32 subcommittee thereof may determine on its own who shall fill the vacancy as a
33 substitute nominee but is authorized, though not required, to seek the recommendation
34 of any of the following persons for the purpose of determining the most suitable
35 substitute nomination: the county executive committee, if any; persons from the area
36 who are active in the party; persons who are present or former officials of the party;
37 persons who presently hold political office or have sought political office as candidates

1 of the party; or such other persons as the committee or subcommittee may desire to
2 consult; and

3 (D) In the case of a public office for which a candidate must qualify with the municipal
4 executive committee, the nomination may remain vacant or may be filled at the
5 decision of the municipal executive committee of the party. The decision whether to
6 fill such vacancy shall be made by the municipal executive committee by 4:00 P.M. on
7 the next business day following the actual knowledge of the death or disqualification
8 of the candidate. The decision of the municipal executive committee shall be
9 immediately transmitted to the municipal superintendent. If the municipal
10 superintendent has not been notified of the decision of the municipal executive
11 committee by 4:30 P.M. on the next business day following the actual knowledge of the
12 vacancy, it shall be conclusively presumed that the municipal executive committee has
13 decided not to fill the vacancy. If the municipal executive committee decides not to fill
14 the vacancy, the nomination shall remain vacant. If the municipal executive committee
15 decides to fill the vacancy, the vacancy shall be filled by a substitute nomination made
16 by the municipal executive committee or a subcommittee thereof appointed for that
17 purpose.

18 (2) Any vacancy which occurs in any party nomination filled by a primary and which is
19 created by reason of the withdrawal of a candidate 60 or more days prior to the date of
20 the election shall be filled as follows:

21 (A) By the person seeking nomination in such primary who received the second
22 highest total of votes cast in such primary for that office, provided that such person
23 received not less than 40 percent of the votes cast for that office; or

24 (B) In the event no person received the vote total required under subparagraph (A) of
25 this paragraph, such vacancy shall be filled in the same manner as provided in
26 subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection, as appropriate.

27 (3) Any vacancy which occurs in any party nomination filled by a primary and which is
28 created by reason of the withdrawal of a candidate less than 60 days prior to the date of
29 the election shall not be filled. The qualifying fee shall not be returned to the candidate.
30 If the ballots have been printed, the ~~Secretary of State~~ chief election officer or the county
31 or municipal superintendent may reprint the ballots to omit the name of the withdrawn
32 candidate. All votes cast for the withdrawn candidate shall be void and shall not be
33 counted. Prominent notices shall be posted in all polling places in which the name of the
34 withdrawn candidate appears on the ballot stating that the candidate has withdrawn and
35 that all votes cast for such withdrawn candidate shall be void and shall not be counted.

36 (c) Any vacancy occurring in any body nomination or party nomination filled by means
37 other than by primary, by reason of the withdrawal, death, or disqualification of any

1 candidate after nomination, may be filled by a substitute nomination made by such
2 committee as is authorized by the rules and regulations of the party or body to make
3 nominations in the event of vacancies on the party or body ticket.

4 (d) If the withdrawal, death, or disqualification of a candidate after nomination for any
5 public office would at the time of such event result in there being no candidate for that
6 office on the ballot in the general election, then the vacancy shall be filled by a special
7 primary which shall be open only to the party of such deceased, withdrawn, or disqualified
8 candidate and the office shall be filled by a special election as provided in Code
9 Section 21-2-540.

10 (e) Reserved.

11 (f) Upon the making of any such substitute nomination, in the manner prescribed in
12 subsection (b) or (c) of this Code section, it shall be the duty of the chairperson and
13 secretary of the convention or committee making the nomination to file with the ~~Secretary~~
14 ~~of State~~ chief election officer or with the superintendent, as the case may be, a nomination
15 certificate which shall be signed by such chairperson and secretary. Every such certificate
16 of nomination shall be sworn to by the chairperson and secretary before an officer qualified
17 to administer oaths."

18 SECTION 29.

19 Said chapter is further amended by revising Code Section 21-2-135, relating to designation
20 of specific office sought where office has multiple officeholders with same title, as follows:

21 "21-2-135.

22 (a)(1) In the case of a public office having multiple officeholders with the same title,
23 each candidate, including write-in candidates, shall designate the specific office he or she
24 is seeking, name the person such candidate is seeking to succeed, and give such other
25 appropriate designation as may be required by the ~~Secretary of State~~ chief election officer
26 or election superintendent each time such candidate qualifies with his or her party in the
27 case of a primary, files a notice of candidacy in the case of an election, or files a notice
28 of candidacy as a write-in candidate. The designation of the specific office and the name
29 of the person whom a candidate is seeking to succeed in the case of a public office having
30 multiple officeholders shall be entered on the ballot and ballot labels in such manner that
31 in the ensuing primary or election such candidate shall only oppose the other candidate
32 or candidates, if any, who designated the same specific office and the same name.

33 (2) In the case of a candidate, including a write-in candidate, seeking one of two or more
34 municipal public offices, each having the same title and each being filled at the same
35 election by the vote of the same electors, the applicable municipal charter or ordinance
36 provisions shall govern whether such candidate shall designate the specific office he or

1 she is seeking. If required to designate the specific office, the candidate shall name his
2 or her incumbent or give other appropriate designation as specified in the charter or
3 ordinance. Such designation shall be entered on the ballot and ballot labels in such
4 manner that in the ensuing municipal primary or election such candidate shall only
5 oppose the other candidate or candidates, if any, designating the same specific office.

6 (b) In the case of the office of judge of a state court, judge of a superior court, Judge of the
7 Court of Appeals, or Justice of the Supreme Court, the name of the person such candidate
8 is seeking to succeed and such other designation as may be required by the ~~Secretary of~~
9 ~~State~~ chief election officer or election superintendent shall be included in the title of the
10 office on the ballot in all nonpartisan elections."

11 SECTION 30.

12 Said chapter is further amended by revising Code Section 21-2-138, relating to nonpartisan
13 elections for judicial offices, as follows:

14 "21-2-138.

15 The names of all candidates who have qualified with the ~~Secretary of State~~ chief election
16 officer for the office of judge of a superior court, Judge of the Court of Appeals, or Justice
17 of the Supreme Court of this state and the names of all candidates who have qualified with
18 the election superintendent for the office of judge of a state court shall be placed on the
19 ballot in a nonpartisan election to be held and conducted jointly with the general election
20 in each even-numbered year. No candidates for any such office shall be nominated by a
21 political party or by a petition as a candidate of a political body or as an independent
22 candidate. Candidates for any such office shall have their names placed on the nonpartisan
23 portion of each ballot by complying with the requirements prescribed in Code
24 Section 21-2-132 specifically related to such nonpartisan candidates and by paying the
25 requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates shall be listed
26 on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and
27 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to
28 be employed in conducting the nonpartisan election of judges of state courts, judges of
29 superior courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall
30 conform as nearly as practicable to the procedures governing general elections; and such
31 general election procedures as are necessary to complete this nonpartisan election process
32 shall be adopted in a manner consistent with such nonpartisan elections."

33 SECTION 31.

34 Said chapter is further amended by revising subsection (b) of Code Section 21-2-139, relating
35 to nonpartisan elections authorized, as follows:

"(b) Either a political party, as defined in this chapter, or a nonpartisan municipal executive committee duly registered with the city clerk may conduct a municipal primary for the purpose of electing its own officials or nominating candidates for municipal elections. Every primary held for such purpose shall be presided over and conducted in the manner prescribed by the rules and regulations of such party or nonpartisan municipal executive committee, not inconsistent with the law and the rules and regulations of the ~~State Election Board~~ chief election officer; provided, however, that all such primaries must be conducted in such manner as to guarantee the secrecy of the ballot."

SECTION 32.

Said chapter is further amended by revising subsection (b) of Code Section 21-2-151, relating to authorization for political party primaries, as follows:

"(b) The primary held for such purposes shall be conducted by the superintendent in the same manner as prescribed by law and by rules and regulations of the ~~State Election Board~~ chief election officer and the superintendent for general elections. Primaries of all political parties shall be conducted jointly."

SECTION 33.

Said chapter is further amended by revising Code Section 21-2-153, relating to qualification of candidates for party nomination in a state or county primary, as follows:

"21-2-153.

(a) A candidate for any party nomination in a state or county primary may qualify by either of the two following methods:

(1) Payment of a qualifying fee pursuant to Code Section 21-2-131; or

(2)(A) The submission of a pauper's affidavit by any candidate who has filed a qualifying petition as provided for in subsection (a.1) of this Code section, by which the candidate under oath affirms his or her poverty and his or her resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be prescribed by the ~~Secretary of State~~ chief election officer and shall include a financial statement which lists the total income, assets, liabilities, and other relevant financial information of the candidate and shall indicate on its face that the candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form prepared by the ~~Secretary of State~~ chief election officer, to wit: 'WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony.' The name of any candidate who

1 subscribes and swears to an oath that such candidate has neither the assets nor the
2 income to pay the qualifying fee otherwise required shall be placed on the ballot by the
3 ~~Secretary of State~~ chief election officer or election superintendent, as the case may be.

4 (B) If a candidate seeks to qualify for a county or militia district office, the pauper's
5 affidavit and financial statement shall be presented to the county political party;
6 otherwise, the candidate shall file his or her pauper's affidavit and financial statement
7 with the state political party.

8 (a.1) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the
9 qualifying fee otherwise required by this Code section and Code Section 21-2-131 unless
10 such candidate has filed a qualifying petition which complies with the following
11 requirements:

12 (1) A qualifying petition of a candidate seeking an office which is voted upon state wide
13 shall be signed by a number of voters equal to one-fourth of 1 percent of the total number
14 of registered voters eligible to vote in the last election for the filling of the office the
15 candidate is seeking and the signers of such petition shall be registered and eligible to
16 vote in the election at which such candidate seeks to be elected. A qualifying petition of
17 a candidate for any other office shall be signed by a number of voters equal to 1 percent
18 of the total number of registered voters eligible to vote in the last election for the filling
19 of the office the candidate is seeking and the signers of such petition shall be registered
20 and eligible to vote in the election at which such candidate seeks to be elected. However,
21 in the case of a candidate seeking an office for which there has never been an election or
22 seeking an office in a newly constituted constituency, the percentage figure shall be
23 computed on the total number of registered voters in the constituency who would have
24 been qualified to vote for such office had the election been held at the last general
25 election and the signers of such petition shall be registered and eligible to vote in the
26 election at which such candidate seeks to be elected;

27 (2) Each person signing a qualifying petition shall declare therein that he or she is a duly
28 qualified and registered elector of the state entitled to vote in the next election for the
29 filling of the office sought by the candidate supported by the petition and shall add to his
30 or her signature his or her residence address, giving municipality, if any, and county, with
31 street and number, if any. No person shall sign the same petition more than once. Each
32 petition shall support the candidacy of only a single candidate. A signature shall be
33 stricken from the petition when the signer so requests prior to the presentation of the
34 petition to the appropriate officer for filing, but such a request shall be disregarded if
35 made after such presentation;

36 (3) A qualifying petition shall be on one or more sheets of uniform size and different
37 sheets must be used by signers resident in different counties. The upper portion of each

1 sheet, prior to being signed by any petitioner, shall bear the name and title of the officer
2 with whom the petition will be filed, the name of the candidate to be supported by the
3 petition, his or her profession, business, or occupation, if any, his or her place of
4 residence with street and number, if any, the name of the office he or she is seeking, his
5 or her political party or body affiliation, if any, and the name and date of the election in
6 which the candidate is seeking election. If more than one sheet is used, they shall be
7 bound together when offered for filing if they are intended to constitute one qualifying
8 petition, and each sheet shall be numbered consecutively, beginning with number one,
9 at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit
10 of the circulator of such sheet, setting forth:

11 (A) His or her residence address, giving municipality with street and number, if any;

12 (B) That each signer manually signed his or her own name with full knowledge of the
13 contents of the qualifying petition;

14 (C) That each signature on such sheet was signed within 180 days of the last day on
15 which such petition may be filed; and

16 (D) That, to the best of the affiant's knowledge and belief, the signers are registered
17 electors of the state qualified to sign the petition, that their respective residences are
18 correctly stated in the petition, and that they all reside in the county named in the
19 affidavit;

20 (4) No qualifying petition shall be circulated prior to 180 days before the last day on
21 which such petition may be filed, and no signature shall be counted unless it was signed
22 within 180 days of the last day for filing the same; and

23 (5) A qualifying petition shall not be amended or supplemented after its presentation to
24 the appropriate officer for filing.

25 (b) Unless otherwise provided by law, all candidates for party nomination in a state or
26 county primary shall qualify as such candidates in accordance with the procedural rules of
27 their party; provided, however, that no person shall be prohibited from qualifying for such
28 office if he or she:

29 (1) Meets the requirements of such procedural rules;

30 (2) Is eligible to hold the office which he or she seeks;

31 (3) Is not prohibited from being nominated or elected by provisions of Code
32 Section 21-2-7 or 21-2-8; and

33 (4) If party rules so require, affirms his or her allegiance to his or her party by signing
34 the following oath:

35 'I do hereby swear or affirm my allegiance to the (name of party) Party.'

36 (c)(1) In the case of a general state or county primary, the candidates or their agents shall
37 commence qualifying at 9:00 A.M. on the fourth Monday in April immediately prior to

1 the state or county primary and shall cease qualifying at 12:00 Noon on the Friday
2 following the fourth Monday in April, notwithstanding the fact that any such days may
3 be legal holidays; provided, however, that, in the case of a general primary held in the
4 even-numbered year immediately following the official release of the United States
5 decennial census data to the states for the purpose of redistricting of the legislatures and
6 the United States House of Representatives, the candidates or their agents for political
7 party nomination to county offices shall commence qualifying at 9:00 A.M. on the third
8 Wednesday in June immediately prior to such primary and shall cease qualifying at 12:00
9 Noon on the Friday following the third Wednesday in June, notwithstanding the fact that
10 any such days may be legal holidays, and provided, further, that candidates for political
11 party nomination to federal and state offices in a general primary shall commence
12 qualifying at 9:00 A.M. on the third Wednesday in June immediately prior to such
13 primary and shall cease qualifying at 12:00 Noon on the Friday following the third
14 Wednesday in June, notwithstanding the fact that any such days may be legal holidays,
15 and shall qualify in person or by their agents with their respective political party in the
16 state capitol under such rules and regulations as the ~~Secretary of State~~ chief election
17 officer may promulgate and provided, further, that all qualifying for federal and state
18 offices on the last day of the qualifying period shall be conducted in the chamber of the
19 House of Representatives in the state capitol. In the case of a special primary, the
20 candidate shall qualify no earlier than the date of the call for the special primary and no
21 later than 25 days prior to the date of such primary, and such qualifying period shall be
22 open for a minimum of two and one-half days.

23 (2) If a political party has not designated at least 14 days prior to the beginning of
24 qualifying a party official in a county with whom the candidates of such party for county
25 elective offices shall qualify, the election superintendent of the county shall qualify
26 candidates on behalf of such party. The election superintendent shall give notice in the
27 legal organ of the county at least three days before the beginning of qualifying giving the
28 dates, times, and location for qualifying candidates on behalf of such political party.

29 (d)(1) Within two hours after the qualifications have ceased, the county executive
30 committee of each political party shall post at the county courthouse a list of all
31 candidates who have qualified with such executive committee, and the state executive
32 committee of each political party shall post a list of all candidates who have qualified
33 with such committee at the courthouse of the county in which such executive committee's
34 office is located. If the election superintendent qualifies the candidates for a political
35 party in accordance with subsection (c) of this Code section, the election superintendent
36 shall post at the county courthouse a list of all the candidates who have qualified with
37 such superintendent for such political party.

(2) Except as otherwise provided in Code Section 21-2-154, it shall be unlawful for any person to add or remove any candidates from either of the lists provided for in paragraph (1) of this subsection following the posting of such lists unless such candidates have died, withdrawn, or been disqualified. Any person who violates this paragraph shall be guilty of a misdemeanor.

(e) Each candidate for party nomination described in subsection (a) of this Code section shall file an affidavit with the political party at the time of his or her qualifying stating:

(1) His or her full name and the name as the candidate desires it to be listed on the ballot.

The surname of the candidate shall be the surname of the candidate as it appears on the candidate's voter registration card. After such name is certified by the political party to the ~~Secretary of State~~ chief election officer or the election superintendent, the form of such name shall not be changed during the primary and election for which such affidavit is submitted;

(2) His or her residence, with street and number, if any, and his or her post office address;

(3) His or her profession, business, or occupation, if any;

(4) The name of his or her precinct;

(5) That he or she is an elector of the county of his or her residence eligible to vote in the primary election in which he or she is a candidate for nomination;

(6) The name of the office he or she is seeking;

(7) That he or she is eligible to hold such office;

(8) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude under the laws of this state or any other state or of the United States, or that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;

(9) That he or she will not knowingly violate this chapter or rules or regulations adopted under this chapter; and

(10) Any other information as may be determined by the ~~Secretary of State~~ chief election officer to be necessary to comply with federal and state law.

(f) Candidates for the office of presidential elector or their agents who have been nominated in accordance with the rules of a political party shall qualify beginning at 9:00 A.M. on the fourth Monday in April in the year in which a presidential election shall be held and shall cease qualifying at 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays; provided, however, that, for presidential elections held in the even-numbered year

1 immediately following the official release of the United States decennial census data to the
2 states for the purpose of redistricting of the legislatures and the United States House of
3 Representatives, candidates for the office of presidential elector who have been nominated
4 in accordance with the rules of a political party shall commence qualifying beginning at
5 9:00 A.M. on the third Wednesday in June immediately prior to such election and shall
6 cease qualifying at 12:00 Noon on the Friday following the third Wednesday in June,
7 notwithstanding the fact that any such days may be legal holidays, and shall qualify in
8 person or by their agents with their respective political party in the state capitol under such
9 rules and regulations as the ~~Secretary of State~~ chief election officer may promulgate."

10 **SECTION 34.**

11 Said chapter is further amended by revising subsection (a) of Code Section 21-2-154, relating
12 to certification of political party candidates, as follows:

13 "(a) At or before 12:00 Noon on the third day after the deadline for qualifying, the county
14 executive committee of each political party shall certify to the superintendent and the state
15 executive committee of each political party shall certify to the ~~Secretary of State~~ chief
16 election officer, on forms prescribed by the ~~Secretary of State~~ chief election officer, all
17 those candidates who have qualified with such committee for the succeeding primary
18 election. Such certification shall be accompanied by the appropriate amount of the
19 qualifying fees paid by such candidates as prescribed in paragraph (1) or (2) of
20 subsection (c) of Code Section 21-2-131 and a copy of the declaration of candidacy and
21 affidavit of each such candidate. Such certification shall not be accepted if the political
22 party has not registered with the ~~Secretary of State~~ chief election officer as required in
23 Article 3 of this chapter. When the election superintendent qualifies candidates on behalf
24 of a political party pursuant to subsection (c) of Code Section 21-2-153, the election
25 superintendent shall certify at or before 12:00 Noon on the third day after the deadline for
26 qualifying, on forms provided by the ~~Secretary of State~~ chief election officer, all those
27 candidates of such political party who qualified with the election superintendent."

28 **SECTION 35.**

29 Said chapter is further amended by revising subsection (a) of Code Section 21-2-156, relating
30 to payment of primary expenses, as follows:

31 "(a) The expenses of a primary shall be paid by the respective county, except that the
32 expenses of municipal primaries shall be governed by subsections (b) and (c) of this Code
33 section, and forms listed under paragraph (5) of Code Section 21-2-50 shall be furnished
34 upon request by the ~~Secretary of State~~ chief election officer."

SECTION 36.

Said chapter is further amended by revising subsection (g) of Code Section 21-2-170, relating to nomination of candidates by petition, as follows:

"(g) Only those candidates whose petitions are accompanied by a certificate sworn to by the chairperson and secretary of a political body duly registered with the ~~Secretary of State~~ chief election officer as required by Code Section 21-2-110, stating that the named candidate is the nominee of that political body by virtue of being nominated in a convention, as prescribed in Code Section 21-2-172, shall be listed on the ballot under the name of the political body. All petition candidates not so designated as the nominee of a political body shall be listed on the ballot in the independent column."

SECTION 37.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-171, relating to examination of petitions, as follows:

"(a) When any nomination petition is presented in the office of the ~~Secretary of State~~ chief election officer or of any superintendent for filing within the period limited by this chapter, it shall be the duty of such officer to examine the same to the extent necessary to determine if it complies with the law. No nomination petition shall be permitted to be filed if:

(1) It contains material errors or defects apparent on the face thereof;

(2) It contains material alterations made after signing without the consent of the signers;

or

(3) It does not contain a sufficient number of signatures of registered voters as required by law.

The ~~Secretary of State~~ chief election officer or any superintendent shall review the petition for compliance with the provisions of Code Section 21-2-170 and shall disregard any pages or signatures that are not in conformance with the provisions of that Code section. The ~~Secretary of State~~ chief election officer or any superintendent may question the genuineness of any signature appearing on a petition or the qualification of any signer whose signature appears thereon and, if he or she shall thereupon find that any such signature is improper, such signature shall be disregarded in determining whether the petition contains a sufficient number of signatures as required by law. The invalidity of any sheet of a nomination petition shall not affect the validity of such petition if a sufficient petition remains after eliminating such invalid sheet."

SECTION 38.

Said chapter is further amended by revising subsections (a), (b), and (c) of Code Section 21-2-172, relating to nomination of presidential electors and candidates of political bodies by convention, as follows:

"(a) Any political party desiring to nominate its presidential electors by convention, any political body desiring to nominate its candidates qualifying with petitions by convention, and any political body desiring to nominate its candidates for state-wide public office by convention by virtue of qualifying under Code Section 21-2-180 shall, through its state executive committee, adopt rules and regulations in conformity with this Code section governing the holding of such conventions for the nomination of candidates for any state, district, or county office. Such rules and regulations shall be filed with the ~~Secretary of State~~ chief election officer, and no amendment to such rules and regulations shall be effective unless filed with the ~~Secretary of State~~ chief election officer at least 30 days prior to the date of such convention. The state party or body chairperson of such political party or body and its secretary shall accompany the filing of such rules and regulations with their certificate certifying that the rules and regulations therein filed are a true and correct copy of the rules and regulations of the party pertaining to the nomination of candidates by the convention method.

(b) The ~~Secretary of State~~ chief election officer shall examine all such rules and all amendments thereto as shall be filed with him or her within 15 days after receipt thereof. If, in the opinion of the ~~Secretary of State~~ chief election officer, any rule or regulation, or any part thereof, does not meet the requirements prescribed by this Code section, he or she shall notify the state party or body chairperson and secretary of such party or body in writing, stating therein his or her reasons for rejecting such rule or regulation. If, in the judgment of the ~~Secretary of State~~ chief election officer, such rules and regulations meet the requirements prescribed by this Code section, they shall be approved.

(c) The ~~Secretary of State~~ chief election officer shall not approve any such rules or regulations unless they provide:

(1) That a notice of the proposed date for the holding of any such convention must be published in a newspaper having a general circulation within the area to be affected at least ten days prior to the date of any such convention. Such notice shall also state the purpose for which the convention has been called;

(2) That delegates to the convention shall be certified pursuant to appropriate party or body rules by the proper party or body officials;

(3) That delegates to the convention shall be apportioned in such manner as will properly reflect the number of electors residing within the political subdivisions or areas affected in accordance with the last United States decennial census, or apportioned according to

1 the number of votes received by the party's candidate for the office of President of the
2 United States in the last presidential election in the areas concerned, or apportioned
3 according to the number of votes received by the party's candidate for the office of
4 Governor of Georgia in the last gubernatorial election in the areas concerned;

5 (4) In the event that more than one county is involved, each county shall have at least
6 one delegate to the convention, and such additional delegates as shall be allotted thereto
7 shall be apportioned according to paragraph (3) of this subsection; and

8 (5) That a certified copy of the minutes of the convention, attested to by the chairperson
9 and secretary of the convention, must be filed by the nominee with his or her notice of
10 candidacy."

11 SECTION 39.

12 Said chapter is further amended by revising Code Section 21-2-180, relating to manner of
13 qualification for the nomination of candidates of political bodies for state-wide public office
14 by convention, as follows:

15 "21-2-180.

16 Any political body which is duly registered as provided for in Code Section 21-2-110 is
17 qualified to nominate candidates for state-wide public office by convention if:

18 (1) The political body files with the ~~Secretary of State~~ chief election officer a petition
19 signed by voters equal in number to 1 percent of the registered voters who were
20 registered and eligible to vote in the preceding general election; or

21 (2) At the preceding general election, the political body nominated a candidate for
22 state-wide office and such candidate received a number of votes equal to 1 percent of the
23 total number of registered voters who were registered and eligible to vote in such general
24 election."

25 SECTION 40.

26 Said chapter is further amended by revising Code Section 21-2-181, relating to filing of
27 petitions generally, as follows:

28 "21-2-181.

29 Petitions to qualify political bodies to nominate candidates for state-wide public office by
30 convention shall be filed with the ~~Secretary of State~~ chief election officer and shall be
31 signed by voters in the manner provided in this part. Such petitions shall provide sufficient
32 space for the printing of the voter's name and for the voter's signature. No forms other
33 than those prescribed in this part shall be used for qualifying a political body to nominate
34 candidates for public office."

SECTION 41.

Said chapter is further amended by revising Code Section 21-2-182, relating to contents of petitions, as follows:

"21-2-182.

Each person signing a political body qualifying petition shall declare therein that such person is a duly qualified and registered voter of the state, entitled to vote in the next election for members of the General Assembly, and shall provide with such person's signature such person's residence address and county and the date of such person's signature. No person shall sign the same petition more than once. Each petition shall support the qualification of only one political body. No signature shall be valid if made more than 15 months prior to the submission of the petitions to the ~~Secretary of State~~ chief election officer. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petitions to the ~~Secretary of State~~ chief election officer for filing, but such request shall be disregarded if made after such presentation."

SECTION 42.

Said chapter is further amended by revising Code Section 21-2-183, relating to form of petitions, as follows:

"21-2-183.

(a) A petition to qualify a political body to nominate candidates for public office by convention shall be on one or more sheets of uniform size, and different sheets must be used by signers residing in different counties. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the ~~Secretary of State~~ chief election officer and the political body to be formed by the petition. If more than one sheet is used, they shall be bound together when offered for filing and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page.

(b) Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet setting forth:

- (1) The residence address of the circulator;
- (2) That each signer manually signed such signer's own name with full knowledge of the contents of the political body qualifying petitions;
- (3) That, to the best of the affiant's knowledge and belief, the signers are registered voters of the State of Georgia, qualified to sign the petition;
- (4) That their respective residences are correctly stated in the petition; and
- (5) That they all reside in the county named in the affidavit."

SECTION 43.

Said chapter is further amended by revising Code Section 21-2-184, relating to restriction on amendment or supplementation, as follows:

"21-2-184.

A petition to qualify a political body to nominate candidates for state-wide public office by convention shall not be amended or supplemented after its presentation to the ~~Secretary of State~~ chief election officer for filing."

SECTION 44.

Said chapter is further amended by revising Code Section 21-2-185, relating to filing deadline, as follows:

"21-2-185.

No petition to qualify a political body shall be submitted to the ~~Secretary of State~~ chief election officer for verification after 12:00 Noon on the second Tuesday in July."

SECTION 45.

Said chapter is further amended by revising Code Section 21-2-191, relating to parties entitled to hold presidential preference primaries, as follows:

"21-2-191.

As provided in this article, a presidential preference primary shall be held in 2008 and every four years thereafter for each political party or body which has cast for its candidates for President and Vice President in the last presidential election more than 20 percent of the total vote cast for President and Vice President in the state, so that the electors may express their preference for one person to be the candidate for nomination by such person's party or body for the office of President of the United States; provided, however, that no elector shall vote in the primary of more than one political party or body in the same presidential preference primary. Such primary shall be held on February 5, 2008, and on the first Tuesday in February every four years thereafter. A state political party or body may by rule choose to elect any portion of its delegates to that party's or body's presidential nominating convention in the primary; and, if a state political party or body chooses to elect any portion of its delegates, such state political party or body shall establish the qualifying period for those candidates for delegate and delegate alternate positions which are to be elected in the primary and for any party officials to be elected in the primary and shall also establish the date on which state and county party executive committees shall certify to the ~~Secretary of State~~ chief election officer or the superintendent, as the case may be, the names of any such candidates who are to be elected

1 in the primary; provided, however, that such dates shall not be later than November 1 of
2 the year preceding the year in which the presidential preference primary is to be held."

3 **SECTION 46.**

4 Said chapter is further amended by revising Code Section 21-2-192, relating to proclamation
5 by Governor, as follows:

6 "21-2-192.

7 It shall be the duty of the Governor to issue his proclamation for such presidential
8 preference primary, a copy of which shall be transmitted promptly by the ~~Secretary of State~~
9 chief election officer to the superintendent of each county."

10 **SECTION 47.**

11 Said chapter is further amended by revising Code Section 21-2-193, relating to list of names
12 of candidates to appear on ballot, as follows:

13 "21-2-193.

14 Not later than November 1 of the year preceding the year in which a presidential preference
15 primary is to be held, the state executive committee of each party which is to conduct a
16 presidential preference primary shall submit to the ~~Secretary of State~~ chief election officer
17 a list of the names of the candidates of such party to appear on the presidential preference
18 primary ballot. Such lists shall be published by the ~~Secretary of State~~ chief election officer
19 in a newspaper of general circulation in the state during the first week of December in the
20 year immediately preceding the year in which the presidential preference primary is to be
21 held."

22 **SECTION 48.**

23 Said chapter is further amended by revising Code Section 21-2-195, relating to procedures
24 by which delegates and alternates to national nominating conventions selected, as follows:

25 "21-2-195.

26 The state executive committee of each political party or body shall determine the method
27 and procedures by which delegates and delegate alternates to the national nominating
28 conventions are to be selected as well as adopt any other rule not inconsistent with this
29 article. The state executive committee of the political party or body shall establish, at least
30 90 days prior to the presidential preference primary, procedures to be followed in the
31 nomination of candidates for delegates and delegate alternates to the nominating
32 convention of the political party or body. A copy of any rule or regulation adopted by the
33 state executive committee shall be sent to the ~~Secretary of State~~ chief election officer
34 within seven days after its adoption, to become a public record."

SECTION 49.

Said chapter is further amended by revising Code Section 21-2-196, relating to qualification oath of delegates and alternates to national convention, as follows:

"21-2-196.

Any person selected as a delegate or delegate alternate to such national convention shall file a qualification oath with the ~~Secretary of State~~ chief election officer pledging support at the convention to the candidate of their political party or body for the office of President of the United States for whom they are selected to support. The oath shall state that the delegate or delegate alternate affirms to support such candidate until the candidate is either nominated by such convention or receives less than 35 percent of the votes for nomination by such convention during any balloting, or until the candidate releases the delegates from such pledge. No delegate shall be required to vote for such candidate after two convention nominating ballots have been completed."

SECTION 50.

Said chapter is further amended by revising Code Section 21-2-200, relating to applicability of general primary provisions, as follows:

"21-2-200.

A presidential preference primary shall be conducted, insofar as practicable, pursuant to this chapter respecting general primaries, except as otherwise provided in this article. In setting up the form of the ballot, the ~~Secretary of State~~ chief election officer shall provide for designating the name of the candidate to whom a candidate for delegate or delegate alternate is pledged, if any."

SECTION 51.

Said chapter is further amended by revising Code Section 21-2-210, relating to the Secretary of State being deemed the chief state election official, as follows:

"21-2-210.

The ~~Secretary of State~~ chief election officer is designated as the chief state election official to coordinate the responsibilities of this state under the National Voter Registration Act of 1993 (P.L. 103-31) as required by 42 U.S.C. Section 1973gg-8."

SECTION 52.

Said chapter is further amended by revising Code Section 21-2-211, relating to list of registered electors, as follows:

1 "21-2-211.

2 (a) The ~~Secretary of State~~ chief election officer shall establish and maintain a list of all
3 eligible and qualified registered electors in this state which shall be the official list of
4 electors for use in all elections in this state conducted under this title.

5 (b)(1) As used in this subsection, the term 'equipment' shall include, but not be limited
6 to, computer hardware; computer software; modems, controllers, and other data
7 transmission devices; data transmission lines; scanners and other digital imaging devices;
8 and printers.

9 (2) The ~~Secretary of State~~ chief election officer is authorized to procure and provide all
10 of the necessary equipment to permit the county boards of registrars to access and utilize
11 the official list of electors maintained by the ~~Secretary of State~~ chief election officer
12 pursuant to this Code section, provided that funds are specifically appropriated by the
13 General Assembly for that purpose."

14 SECTION 53.

15 Said chapter is further amended by revising subsections (a) and (e) of Code Section
16 21-2-212, relating to county registrars, as follows:

17 "(a) The judge of the superior court in each county or the senior judge in time of service
18 in those counties having more than one judge shall appoint quadrennially, upon the
19 recommendation of the grand jury of such county, not less than three nor more than five
20 judicious, intelligent, and upright electors of such county as county registrars. The grand
21 jury shall submit to the judge the names of ten such electors and the appointment shall be
22 made therefrom and shall be entered on the minutes of the court. When making such
23 appointments, the judge will designate one of the registrars as chief registrar who shall
24 serve as such during such registrar's term of office, and such designation shall likewise be
25 entered on the minutes of the court. It shall be the duty of the clerk of the superior court
26 to certify the appointments and designation to the Secretary of State and the chief election
27 officer within 30 days after the appointments and designation, and the Secretary of State
28 shall issue commissions ~~shall be issued~~ as for county officers. When certifying such names
29 to the Secretary of State and the chief election officer, the clerk of the superior court shall
30 also list the addresses of the registrars. Such judge will have the right to remove one or
31 more of such registrars at any time for cause after notice and hearing. In case of the death,
32 resignation, or removal of a registrar, the judge shall appoint a successor who shall serve
33 until the next grand jury convenes, at which time the grand jury shall submit to the judge
34 the names of two judicious, intelligent, and upright electors of such county; and the judge
35 shall make an appointment from said list, such successor to serve the unexpired term of
36 such registrar's predecessor in office. In the event the grand jury is in session at the time

1 of any such death, removal, or resignation, such grand jury shall immediately submit the
2 names of said electors to the judge for such appointment. Each such appointment or
3 change in designation shall be entered on the minutes of the court and certified as provided
4 in this Code section."

5 "(e) Any other provision of this Code section to the contrary notwithstanding, in any
6 county of this state having a population of more than 600,000 according to the United
7 States decennial census of 1990 or any future such census, the governing authority of the
8 county shall appoint the county registrars in lieu of the judge of the superior court. The
9 appointments shall be entered on the minutes of the county governing authority. The
10 county governing authority shall designate one of the registrars as chief registrar, who shall
11 serve as such during such registrar's term of office. Such designation shall likewise be
12 entered on the minutes of such governing authority. It shall be the duty of the county
13 governing authority to certify the appointments and designation to the Secretary of State
14 and the chief election officer within 30 days after such appointments and designation. In
15 certifying such names to the Secretary of State and the chief election officer, the county
16 governing authority shall also list the addresses of the registrars. Such registrars shall serve
17 at the pleasure of the governing authority of the county, and the compensation of the
18 registrars shall be fixed by the governing authority of the county. Any registrar shall have
19 the right to resign at any time by submitting a resignation to such governing authority. In
20 the event of the death, resignation, or removal of any registrar, such registrar's duties and
21 authority as such shall terminate instantly. Successors shall be appointed by the county
22 governing authority. Each appointment or change in designation shall be entered on the
23 minutes of such governing authority and certified as provided in this Code section. The
24 first appointments in any such county under this article shall be made in the year 1965, and
25 the persons appointed shall assume office July 1, 1965. The governing authorities of such
26 counties may furnish such employees and facilities as they deem necessary for the
27 operation of the office and affairs of the registrars."

28 **SECTION 54.**

29 Said chapter is further amended by revising subsection (c) of Code Section 21-2-213, relating
30 to county deputy registrars, as follows:

31 "(c) In every county wherein the registrars do not maintain an office which is open and
32 staffed during regular business hours, the registrars shall designate and appoint as chief
33 deputy registrar a full-time county officer or employee for the purpose of registering
34 eligible electors and performing other duties as may be required by the board of registrars.
35 The governing authority of the county shall provide for the compensation of the chief
36 deputy registrar in an amount not less than \$293.29 per month. The name, business

1 address, telephone number, and any other pertinent information relative to the chief deputy
2 registrar shall be forwarded by the registrars to the ~~Secretary of State's~~ chief election
3 officer's office, where such information shall be maintained on file."

4 SECTION 55.

5 Said chapter is further amended by revising subsections (f) and (i) of Code Section 21-2-215,
6 relating to the main office of board of registrars, as follows:

7 "(f) The ~~State Election Board~~ chief election officer shall adopt rules and regulations setting
8 forth criteria governing the selection of voter registration places in conformity with the
9 provisions of subsection (d) of this Code section. Boards of registrars shall not adopt rules
10 nor utilize procedures inconsistent with such rules and regulations adopted by the ~~State~~
11 ~~Election Board~~ chief election officer; provided, however, that nothing contained in this
12 subsection shall supersede the ultimate authority of local boards in selecting additional
13 voter registration sites."

14 "(i) The board of registrars shall enter into the state-wide voter registration system credit
15 for voting by qualified electors ~~to the Secretary of State~~ within 60 days of a primary or
16 election for the purpose of maintaining the list of electors and ~~voter~~ the voting history of
17 the electors."

18 SECTION 56.

19 Said chapter is further amended by revising paragraph (15) of subsection (a) of Code Section
20 21-2-217, relating to rules for determining residence, as follows:

21 "(15) For voter registration purposes, the board of registrars and, for candidacy residency
22 purposes, the ~~Secretary of State~~ chief election officer, election superintendent, or hearing
23 officer may consider evidence of where the person receives significant mail such as
24 personal bills and any other evidence that indicates where the person resides."

25 SECTION 57.

26 Said chapter is further amended by revising Code Section 21-2-218, relating to cancellation
27 of registration in former state or county, as follows:

28 "21-2-218.

29 (a) Any person, who is registered to vote in another state and who moves such person's
30 residence from that state to this state, shall, at the time of making application to register to
31 vote in this state, provide such information as specified by the ~~Secretary of State~~ chief
32 election officer in order to notify such person's former voting jurisdiction of the person's
33 application to register to vote in this state and to cancel such person's registration in the
34 former place of residence.

1 (b) Any person, who is registered to vote in another county or municipality in this state
2 and who moves such person's residence from that county or municipality to another county
3 or municipality in this state, shall, at the time of making application to register to vote in
4 that county or municipality, provide such information as specified by the ~~Secretary of State~~
5 chief election officer in order to notify such person's former voting jurisdiction of the
6 person's application to register to vote in the new place of residence and to cancel such
7 person's registration in the former place of residence.

8 (c) In the event that an elector moves to a residence within the county or municipality and
9 has a different address from the address contained on the person's registration card, it shall
10 be the duty of such elector to notify the board of registrars of such fact by the fifth Monday
11 prior to the primary or election in which such elector wishes to vote by submitting the
12 change of address in writing. The board of registrars shall then correct the elector's record
13 to reflect the change of address and place the elector in the proper precinct and voting
14 districts. The board of registrars may accept a properly submitted application for an
15 absentee ballot for this purpose for electors who move to an address within the county or
16 municipality which is different from the address contained on the person's registration
17 card.

18 (d) In the event that an elector moves to a residence within the county or municipality but
19 into a different precinct or who moves to a residence in the same precinct but at a different
20 address and fails to notify the board of registrars of such fact by the fifth Monday prior to
21 an election or primary such elector shall vote in the precinct of such elector's former
22 residence for such election or primary and for any runoffs resulting therefrom. The
23 superintendent of an election shall make available at each polling place forms furnished by
24 the ~~Secretary of State~~ chief election officer which shall be completed by each such elector
25 to reflect such elector's present legal residence. Such forms may also be used to notify the
26 board of registrars of a change in an elector's name. The board of registrars shall thereafter
27 place the elector in the proper precinct and voting districts and correct the list of electors
28 accordingly. If the elector is placed in a precinct other than the one in which such elector
29 has previously been voting, such elector shall be notified of the new polling place by
30 first-class mail.

31 (e) Any provision of this chapter to the contrary notwithstanding, an elector who moves
32 from one county or municipality to another after the fifth Monday prior to a primary or
33 election may vote in the county or municipality or precinct in which such elector is
34 registered to vote.

35 (f) No person shall vote in any county or municipality other than the county or
36 municipality of such person's residence except as provided in subsection (e) of this Code
37 section.

(g) In the event that the registration records incorrectly indicate that an elector has moved from an address within a precinct, the elector may vote in the precinct upon affirming in writing on a form prescribed by the ~~Secretary of State~~ chief election officer that the elector still resides in the precinct at the address previously provided to the board of registrars. The registrars shall correct the elector's registration record to reflect the correct address.

(h) If a voter registration application is completed at a polling place for the purpose of recording a change of address and the new address is outside the county, then the registrar shall forward the application to the registrar in the new county of residence."

SECTION 58.

Said chapter is further amended by revising Code Section 21-2-219, relating to registration cards, as follows:

"21-2-219.

(a) The registration cards for use by persons in making application to register to vote shall be in a form as specified by the ~~Secretary of State~~ chief election officer, which shall include printed forms, forms made available through electronic means, or otherwise. Except as provided in subsection (b) of this Code section, only registration cards issued or authorized for use by the ~~Secretary of State~~ chief election officer or the national voter registration card promulgated by the Federal Election Commission under the provisions of the National Voter Registration Act of 1993, 42 U.S.C. Section 1973gg-7, shall be accepted for purposes of voter registration.

(b) A person who is a legal resident of this state and a citizen of the United States; who is a member of the armed forces of the United States or the merchant marine, is a spouse or dependent of a member of the armed forces or the merchant marine residing with or accompanying said member, or is temporarily or permanently residing overseas; and who will be absent from such person's county of residence until after the time for registering for an ensuing primary or election may make proper application for voter registration on the official post card provided for by the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

(c) Permanent overseas citizens shall only be authorized to vote for presidential electors and United States senator or representative in Congress. Permanent overseas citizens shall be deemed to be residents of the precinct in which the county courthouse is located.

(d) A properly executed registration card submitted under the provisions of subsection (b) of this Code section shall be considered to be an application for an absentee ballot under Code Section 21-2-381, or a special absentee ballot under Code Section 21-2-381.1, as appropriate. Such card, subject to the limitations of subsection (c) of this Code section, shall constitute a request for an absentee ballot for the period beginning upon the receipt

1 of such card and extending through the second regularly scheduled general election in
2 which federal candidates are on the ballot for all elections for federal offices held during
3 such period.

4 (e) A person who is a United States citizen, permanently residing overseas, who has never
5 lived in the United States, may register and vote in this state in the county of residence of
6 either of such person's parents under the limitations of subsection (c) of this Code section
7 if either of the person's parents is registered to vote in this state. Such person shall be
8 deemed to reside at the same location as the parent for voting purposes.

9 (f) ~~The office of the Secretary of State~~ Office of State Election Administration is
10 designated as the office, under the federal Help America Vote Act, to be responsible for
11 providing information on registration and absentee ballot procedures for use by absent
12 uniformed services and overseas voters, including the use of the federal write-in absentee
13 ballot.

14 (g) The registrars of each county shall report to the ~~Secretary of State~~ chief election officer
15 within 60 days after a general election in which federal candidates were on the ballot the
16 combined number of absentee ballots transmitted to absent uniformed services and
17 overseas voters in such election and the combined number of such ballots that were
18 returned by such voters and cast in such election.

19 (h) ~~The Secretary of State~~ chief election officer shall within 90 days after a general
20 election in which federal candidates were on the ballot report to the federal Election
21 Assistance Commission, on such form as may be prescribed by such commission, the
22 combined number of absentee ballots transmitted to absent uniformed services and
23 overseas voters in such election and the combined number of such ballots that were
24 returned by such voters and cast in such election."

25 SECTION 59.

26 Said chapter is further amended by revising Code Section 21-2-221, relating to driver's
27 license or identification card application as application for voter registration, as follows:

28 "21-2-221.

29 (a) Each application to obtain, renew, or change the name or address on a driver's license
30 or identification card issued by the Department of Driver Services pursuant to Chapter 5
31 of Title 40 made by an applicant who is within six months of such applicant's eighteenth
32 birthday or older shall also serve as an application for voter registration unless the applicant
33 declines to register to vote through specific declination or by failing to sign the voter
34 registration application.

(b) The commissioner of driver services and the ~~Secretary of State~~ chief election officer shall agree upon and design such procedures and forms as will be necessary to comply with this Code section.

(c) The forms designed by the commissioner of driver services and the ~~Secretary of State~~ chief election officer:

(1) Shall not require the applicant to duplicate any information required in the driver's license portion of the application with the exception of a second signature;

(2) Shall include such information as required on other voter registration cards issued by the ~~Secretary of State~~ chief election officer;

(3) Shall contain a statement that states each eligibility requirement contained in Code Section 21-2-216, that contains an attestation that the applicant meets each such requirement, and that requires the signature of the applicant under penalty of perjury; and

(4) Shall include, in print that is identical to that used in the attestation, the penalties provided by law for submission of a false voter registration application; and a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(d) Any change of address submitted to the Department of Driver Services for the purpose of changing the information contained on a driver's license or identification card issued by the Department of Driver Services shall serve as a notification of change of address for voter registration unless the registrant states that at the time of submitting the change of address that the change of address is not for voter registration purposes.

(e) The Department of Driver Services shall transmit the completed applications for voter registration to the ~~Secretary of State~~ chief election officer at the conclusion of each business day. The ~~Secretary of State~~ chief election officer shall forward the applications to the appropriate county board of registrars to determine the eligibility of the applicant and, if found eligible, to add the applicant's name to the list of electors and to place the applicant in the correct precinct and voting districts.

(f) The Department of Driver Services shall maintain such statistical records on the number of registrations and declinations as requested by the ~~Secretary of State~~ chief election officer.

(g) No information relating to the failure of an applicant for a driver's license or identification card issued by the Department of Driver Services to sign a voter registration application may be used for any purpose other than voter registration.

(h) The ~~Secretary of State~~ chief election officer and the commissioner of driver services shall have the authority to promulgate rules and regulations to provide for the transmission of voter registration applications and signatures electronically. Such electronically transmitted signatures shall be valid as signatures on the voter registration application and

shall be treated in all respects as a manually written original signature and shall be recognized as such in any matter concerning the voter registration application."

SECTION 60.

Said chapter is further amended by revising Code Section 21-2-221.1, relating to voter registration incorporated into resident hunting, fishing, or trapping license, as follows:

"21-2-221.1.

(a) Each application to obtain a resident hunting, fishing, or trapping license issued by the Department of Natural Resources pursuant to Chapter 2 of Title 27 and made by an applicant who is within six months of such applicant's eighteenth birthday or older shall also serve as an application for voter registration unless the applicant declines to register to vote through specific declination or by failing to sign the voter registration application.

(b) The Board of Natural Resources and the ~~Secretary of State~~ chief election officer shall agree upon and design such procedures and forms as will be necessary to comply with this Code section, including without limitation procedures applicable to processing of applications received by persons approved as license agents for the Department of Natural Resources pursuant to Code Section 27-2-2.

(c) The forms designed by the Board of Natural Resources and the ~~Secretary of State~~ chief election officer:

(1) Shall not require the applicant to duplicate any information required in the resident hunting, fishing, or trapping license portion of the application with the exception of a second signature;

(2) Shall include such information as required on other voter registration cards issued by the ~~Secretary of State~~ chief election officer;

(3) Shall contain a statement that states each eligibility requirement contained in Code Section 21-2-216, that contains an attestation that the applicant meets each such requirement, and that requires the signature of the applicant under penalty of false swearing; and

(4) Shall include, in print that is identical to that used in the attestation, the penalties provided by law for submission of a false voter registration application; and a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.

(d) Any person when acting as a license agent for the Department of Natural Resources shall not:

(1) Seek to influence an applicant's political preference;

(2) Display on his or her person any such political preference or political party or body allegiance;

1 (3) Make any statement to an applicant or take any action the purpose or effect of which
2 is to discourage the applicant from applying to register to vote; or

3 (4) Make any statement to an applicant or take any action the purpose or effect of which
4 is to lead the applicant to believe that a decision to apply to register or not to apply to
5 register to vote has any bearing on the availability of services or benefits.

6 (e) License agents for the Department of Natural Resources acting under this Code section
7 shall not be considered to be deputy registrars under this chapter or any rules and
8 regulations promulgated thereunder.

9 (f) The Department of Natural Resources shall transmit the completed applications for
10 voter registration to the ~~Secretary of State~~ chief election officer at the conclusion of each
11 business day. The ~~Secretary of State~~ chief election officer shall forward the applications
12 to the appropriate county board of registrars to determine the eligibility of the applicant
13 and, if found eligible, to add the applicant's name to the list of electors and to place the
14 applicant in the correct precinct and voting districts.

15 (g) The Department of Natural Resources shall maintain such statistical records on the
16 number of registrations and declinations as requested by the ~~Secretary of State~~ chief
17 election officer.

18 (h) Information relating to the failure of an applicant for a resident hunting, fishing, or
19 trapping license issued by the Department of Natural Resources to sign a voter registration
20 application shall not be used for any purpose other than voter registration and shall not be
21 subject to public inspection.

22 (i) The ~~Secretary of State~~ chief election officer and the Board of Natural Resources shall
23 have the authority to promulgate rules and regulations to provide for the transmission of
24 voter registration applications and signatures electronically. Such electronically
25 transmitted signatures shall be valid as signatures on the voter registration application and
26 shall be treated in all respects as a manually written original signature and shall be
27 recognized as such in any matter concerning the voter registration application.

28 (j) The forms and procedures to implement and administer this Code section shall be
29 designed in a manner such that license agents for the Department of Natural Resources
30 shall not incur any expenses nor be required to make any reports in implementing and
31 administering this Code section in addition to those presently required of such license
32 agents in issuing fishing, hunting, and trapping licenses, other than providing information
33 to the Department of Natural Resources at the time the license application is processed
34 necessary to comply with state and federal voter laws on voter registration.

35 (k) License agents for the Department of Natural Resources acting under this Code section
36 whose businesses are authorized to sell alcoholic beverages for on-premises consumption
37 may notify the Department of Natural Resources of their desire to opt out of the

requirements of this Code section and shall thereafter not be required to comply with this Code section."

SECTION 61.

Said chapter is further amended by revising Code Section 21-2-222, relating to designated voter registration agencies and offices, as follows:

"21-2-222.

(a) As used in this Code section, the term:

(1) 'Persons with disabilities' means persons who have physical disabilities, including, but not limited to, any physical or neurological impairment which severely restricts a person's mobility or manual dexterity; substantial loss of speech, sight, or hearing; or loss of one or more limbs or use thereof; but such term shall not include nonphysical disabilities, mental or emotional disabilities, or disabilities based upon substance abuse.

(2) 'Public assistance' means the food stamp program; the Medicaid program; the Women, Infants, and Children program; and the Temporary Assistance for Needy Families program.

(3) 'Recruitment office of the armed forces of the United States' includes both regular and reserve forces recruitment offices and national guard recruitment offices.

(b) Each office in this state:

(1) Which provides public assistance;

(2) Which provides state funded programs primarily engaged in providing services to persons with disabilities; and

(3) Which is a recruitment office of the armed forces of the United States located within this state

shall be designated voter registration agencies.

(c) In addition to the offices listed in subsection (b) of this Code section, the ~~Secretary of State~~ chief election officer shall designate other offices within the state as designated voter registration offices. Such offices may include, but not be limited to:

(1) State or local governmental offices such as public libraries, public schools, offices of county and municipal clerks, and government revenue offices; and

(2) Federal and nongovernmental offices, with the agreement of such offices.

(d) At each designated voter registration agency, the following services shall be made available:

(1) Distribution of the mail voter registration application provided for in Code Section 21-2-223 in accordance with subsection (f) of this Code section;

(2) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance; and

1 (3) Acceptance of completed voter registration application forms for submission to the
2 ~~Secretary of State~~ chief election officer.

3 (e) If a designated voter registration agency under paragraph (2) of subsection (b) of this
4 Code section provides services to a person with a disability at the person's home, the
5 agency shall provide the services described in subsection (d) of this Code section at such
6 person's home.

7 (f) A designated voter registration agency that provides service or assistance in addition
8 to conducting voter registration shall:

9 (1) Distribute with each application for such service or assistance and with each
10 recertification, renewal, or change of address form relating to such service or assistance,
11 when such application, recertification, renewal, or change of address is made in person,
12 the mail voter registration application form provided for in Code Section 21-2-223 unless
13 the applicant declines in writing to register to vote;

14 (2) Distribute a form provided by the ~~Secretary of State~~ chief election officer to
15 accompany the voter registration application form which includes:

16 (A) The question 'If you are not registered to vote where you live now, would you like
17 to apply to register to vote here today?';

18 (B) If the agency provides public assistance, the statement 'Applying to register or
19 declining to register to vote will not affect the amount of assistance that you will be
20 provided by this agency.';

21 (C) Boxes for the applicant to check to indicate whether the applicant is presently
22 registered, would like to register, or declines to register to vote with the statement 'IF
23 YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE
24 DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.' in close proximity to the
25 boxes and in prominent type;

26 (D) The statements 'If you would like help in filling out the voter registration
27 application form, we will help you. The decision whether to seek or accept help is
28 yours. You may fill out the application in private.'; and

29 (E) The statement 'If you believe that someone has interfered with your right to register
30 or to decline to register to vote or your right to privacy in deciding whether to register
31 or in applying to register to vote, you may file a complaint with the ~~Secretary of State~~
32 chief election officer at (insert address and telephone number).'; and

33 (3) Provide to each applicant who does not decline to apply to register to vote the same
34 degree of assistance with regard to the completion of the voter registration application
35 form as is provided by the office with regard to the completion of its own forms, unless
36 the applicant refuses such assistance.

1 (g) If an applicant fails to check any box on the form required by subparagraph (f)(2)(C)
2 of this Code section, the applicant shall be deemed to have declined to apply to register to
3 vote.

4 (h) No information relating to a declination to apply to register to vote in connection with
5 an application made at an office described in subsection (f) of this Code section may be
6 used for any purpose other than voter registration and shall not be subject to public
7 inspection.

8 (i) Each office shall transmit the completed voter registration application forms to the
9 ~~Secretary of State~~ chief election officer at least once per week, except that, during the 15
10 days leading up to a registration deadline for a primary or election, such applications shall
11 be transmitted to the ~~Secretary of State~~ chief election officer at the conclusion of each
12 business day. The ~~Secretary of State~~ chief election officer shall forward the applications
13 to the appropriate county board of registrars to determine the eligibility of the applicant
14 and, if found eligible, to add the applicant's name to the list of electors and to place the
15 applicant in the correct precinct and voting districts.

16 (j) Each office shall maintain such statistical records on the number of registrations and
17 declinations as requested by the ~~Secretary of State~~ chief election officer.

18 (k) Persons providing the services described in subsection (d) of this Code section shall
19 not:

20 (1) Seek to influence an applicant's political preference;

21 (2) Display any such political preference or political party or body allegiance;

22 (3) Make any statement to an applicant or take any action the purpose or effect of which
23 is to discourage the applicant from applying to register to vote; or

24 (4) Make any statement to an applicant or take any action the purpose or effect of which
25 is to lead the applicant to believe that a decision to apply to register or not to apply to
26 register to vote has any bearing on the availability of services or benefits.

27 (l) The ~~Secretary of State~~ chief election officer shall have the authority to promulgate rules
28 and regulations to provide for the transmission of voter registration applications and
29 signatures electronically from public assistance offices, offices which provide state funded
30 programs primarily engaged in providing services to persons with disabilities, and
31 recruitment offices of the armed forces of the United States located within this state. Such
32 electronically transmitted signatures shall be valid as signatures on the voter registration
33 application and shall be treated in all respects as a manually written original signature and
34 shall be recognized as such in any matter concerning the voter registration application."

SECTION 62.

Said chapter is further amended by revising Code Section 21-2-223, relating to mail voter registration application forms, as follows:

"21-2-223.

(a) The ~~Secretary of State~~ chief election officer shall design, publish, and distribute voter registration application forms with which a person may apply to register to vote by completing and mailing the form to the ~~Secretary of State~~ chief election officer. The ~~Secretary of State~~ chief election officer shall forward the applications to the appropriate county board of registrars to determine the eligibility of the applicant and, if found eligible, to add the applicant's name to the list of electors and to place the applicant in the correct precinct and voting districts.

(b) The county boards of registrars shall obtain and maintain a supply of mail voter registration application forms for distribution and for voter registration. In addition, each state, county, and municipal office, except an office which is a designated voter registration office under Code Section 21-2-222, which has regular contact with the public shall obtain a supply of mail voter registration application forms from the ~~Secretary of State~~ chief election officer and make such applications available for use by citizens to register to vote.

(c) The mail voter registration application forms shall be made available through governmental and private entities with particular emphasis on making such forms available for organized voter registration programs."

SECTION 63.

Said chapter is further amended by revising subsections (a), (b), and (c) of Code Section 21-2-224, relating to registration deadlines, as follows:

"(a) If any person whose name is not on the list of registered electors maintained by the ~~Secretary of State~~ chief election officer under this article desires to vote at any general primary, general election, or presidential preference primary, such person shall make application as provided in this article by the close of business on the fifth Monday or, if such Monday is a legal holiday, by the close of business on the following business day prior to the date of such general primary, general election, or presidential preference primary.

(b) If any person whose name is not on the list of registered electors maintained by the ~~Secretary of State~~ chief election officer under this article desires to vote at any special primary or special election, such person shall make application as provided in this article no later than the close of business on the fifth day after the date of the call for the special primary or special election, excluding Saturdays, Sundays, and legal holidays of this state; except that:

(1) If such special primary or special election is held in conjunction with a general primary, general election, or presidential preference primary, the registration deadline for such special primary or special election shall be the same as the registration deadline for the general primary, general election, or presidential preference primary in conjunction with which the special primary or special election is being conducted; or

(2) If such special primary or special election is not held in conjunction with a general primary, general election, or presidential preference primary but is held on one of the dates specified in Code Section 21-2-540 for the conduct of special elections to present a question to the voters or special primaries or elections to fill vacancies in elected county or municipal offices, the registration deadline for such a special primary or election shall be at the close of business on the fifth Monday prior to the date of the special primary or election or, if such Monday is a legal holiday, by the close of business on the following business day.

(c) Mail voter registration applications shall be deemed to have been made as of the date of the postmark affixed to such application by the United States Postal Service or, if no such postmark is affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, such application shall be deemed to have been made timely if received through the United States mail by the ~~Secretary of State~~ chief election officer no later than the close of business on the fourth Friday prior to a general primary, general election, presidential preference primary, or special primary or special election held in conjunction with a general primary, general election, or presidential preference primary or special primary or special election held on one of the dates specified in Code Section 21-2-540 for the conduct of special elections to present questions to the voters or special primaries or special elections to fill vacancies in elected county or municipal offices or no later than the close of business on the ninth day after the date of the call, excluding Saturdays, Sundays, and legal holidays of this state, for all other special primaries and special elections."

SECTION 64.

Said chapter is further amended by revising Code Section 21-2-225, relating to confidentiality of original registration applications, as follows:

"21-2-225.

(a) Neither the original applications for voter registration nor any copies thereof shall be open for public inspection except upon order of a court of competent jurisdiction.

(b) All data collected and maintained on electors whose names appear on the list of electors maintained by the ~~Secretary of State~~ chief election officer pursuant to this article shall be available for public inspection with the exception of bank statements submitted

1 pursuant to subsection (c) of Code Section 21-2-220 and subsection (c) of Code
2 Section 21-2-417 and the social security numbers of the electors and the locations at which
3 the electors applied to register to vote which shall remain confidential and be used only for
4 voter registration purposes; provided, however, that social security numbers of electors
5 may be made available to other state agencies if the agency is authorized to maintain
6 information by social security number and the information is used only to identify the
7 elector on the receiving agency's data base and is not disseminated further and remains
8 confidential.

9 (c) It shall be the duty of the ~~Secretary of State~~ chief election officer to furnish copies of
10 such data as may be collected and maintained on electors whose names appear on the list
11 of electors maintained by the ~~Secretary of State~~ chief election officer pursuant to this
12 article, within the limitations provided in this article, on electronic media or computer run
13 list or both. Notwithstanding any other provision of law to the contrary, the ~~Secretary of~~
14 ~~State~~ chief election officer shall establish the cost to be charged for such data. The
15 ~~Secretary of State~~ chief election officer may contract with private vendors to make such
16 data available in accordance with this subsection. Such data may not be used by any
17 person for commercial purposes."

18 **SECTION 65.**

19 Said chapter is further amended by revising subsections (e) and (f) of Code Section 21-2-226,
20 relating to duties of county board in determining eligibility of voters, as follows:

21 "(e) Each elector found eligible to be registered to vote by the board of registrars shall be
22 issued a card which shall contain the elector's name and address, a block or space for the
23 elector's signature, the date of the elector's registration, the name and location of the
24 elector's polling place or polling places if the county and municipal polling places are not
25 the same, and the designation of the elector's congressional district; state Senate district;
26 state House district; county commission district, if any; county or independent board of
27 education district, if any; and municipal governing authority district, if any, and such other
28 voting districts, if any. On the reverse side of the card, there shall be printed instructions
29 which shall indicate the procedure to be followed in the event of the change of address of
30 the elector. In the event an elector changes residences within the county in which an
31 elector is registered to vote, the elector may change such elector's address by returning the
32 card to the board of registrars of such county indicating the new address. Upon receipt of
33 such card, the board of registrars shall make the necessary changes in the elector's
34 registration records and issue a new card to the elector. In the event that an elector's
35 precinct, polling place, or voting district or districts change, a new card shall be issued to
36 the elector reflecting such changes. When the boundaries of a precinct are changed, all

1 affected electors shall be sent a new card prior to the next primary or election. The form
2 of such cards shall be determined by the ~~Secretary of State~~ chief election officer. The
3 issuance of such cards shall be sufficient as a notification of the disposition of an
4 application for voter registration under this Code section, provided that such cards are sent
5 by nonforwardable, first-class mail.

6 (f) In the event that the registrars are required to issue voters new cards under
7 subsection (e) of this Code section due to changes in districts or precincts as a result of
8 reapportionment or court order, the registrars may apply to the ~~Secretary of State~~ chief
9 election officer prior to June 30 of each year for reimbursement of the costs of postage with
10 respect to mailing such cards during the 12 month period ending on June 30 of that year.
11 The ~~Secretary of State~~ chief election officer shall receive all such applications and shall,
12 no later than June 30 of each year, reimburse the counties for such costs from funds
13 specifically appropriated for that purpose. In the event that the total amount of the requests
14 for reimbursement exceeds the funds appropriated for reimbursement, the ~~Secretary of~~
15 ~~State~~ chief election officer shall reimburse the counties on a pro rata basis. In the event
16 that no funds are specifically appropriated for reimbursement, no such reimbursement shall
17 be made."

18 SECTION 66.

19 Said chapter is further amended by revising Code Section 21-2-231, relating to lists of
20 persons convicted of felonies, persons declared mentally incompetent, and deceased persons
21 provided to Secretary of State, as follows:

22 "21-2-231.

23 (a) The clerk of the superior court of each county shall, on or before the tenth day of each
24 month, prepare and transmit to the ~~Secretary of State~~ chief election officer, in a format as
25 prescribed by the ~~Secretary of State~~ chief election officer, a complete list of all persons,
26 including addresses, ages, and other identifying information as prescribed by the ~~Secretary~~
27 ~~of State~~ chief election officer, who were convicted of a felony involving moral turpitude
28 during the preceding calendar month in the county.

29 (b) The judge of the probate court of each county shall, on or before the tenth day of each
30 month, prepare and transmit to the ~~Secretary of State~~ chief election officer, in a format as
31 prescribed by the ~~Secretary of State~~ chief election officer, a complete list of all persons,
32 including addresses, ages, and other identifying information as prescribed by the ~~Secretary~~
33 ~~of State~~ chief election officer, who were declared mentally incompetent during the
34 preceding calendar month in the county and whose voting rights were removed.

35 (c) Upon receipt of the lists described in subsections (a) and (b) of this Code section and
36 the lists of persons convicted of felonies in federal courts received pursuant to 42 U.S.C.

1 Section 1973gg-6(g), the ~~Secretary of State~~ chief election officer shall transmit the names
2 of such persons whose names appear on the list of electors to the appropriate county board
3 of registrars who shall remove all such names from the list of electors and shall mail a
4 notice of such action and the reason therefor to the last known address of such persons by
5 first-class mail.

6 (d) The local registrar of vital statistics of each county shall, on or before the tenth day of
7 each month, prepare and transmit to the ~~Secretary of State~~ chief election officer, in a format
8 as prescribed by the ~~Secretary of State~~ chief election officer, a complete list of all persons,
9 including addresses, ages, and other identifying information as prescribed by the ~~Secretary~~
10 ~~of State~~ chief election officer, who died during the preceding calendar month in the county.

11 The ~~Secretary of State~~ chief election officer may, by agreement with the commissioner of
12 human resources, obtain such information from the state registrar of vital statistics.
13 Additionally, the ~~Secretary of State~~ chief election officer is authorized to obtain such lists
14 of deceased Georgia electors, if possible, from other states.

15 (e) Upon receipt of the lists described in subsection (d) of this Code section, the ~~Secretary~~
16 ~~of State~~ chief election officer or his or her designated agent shall remove all such names
17 of deceased persons from the list of electors and shall notify the registrar in the county
18 where the deceased person was domiciled at the time of his or her death.

19 (f) County registrars shall initiate appropriate action regarding the right of an elector to
20 remain on the list of qualified registered voters within 60 days after receipt of the
21 information described in this Code section. Failure to take such action may subject the
22 registrars or the county governing authority for whom the registrars are acting to a fine by
23 the ~~State Election Board~~ chief election officer."

24 SECTION 67.

25 Said chapter is further amended by revising subsection (b) of Code Section 21-2-232, relating
26 to removal of elector's name from list of electors, as follows:

27 "(b) When an elector of this state moves to another county or state and registers to vote and
28 the registration officials send a notice of cancellation reflecting the registration of the
29 elector in the other county or state, the ~~Secretary of State~~ chief election officer or the board
30 of registrars, as the case may be, shall remove such elector's name from the list of electors.
31 It shall not be necessary to send a confirmation notice to the elector in such circumstances."

32 SECTION 68.

33 Said chapter is further amended by revising subsection (a) of Code Section 21-2-233, relating
34 to comparison of change of address information supplied by United States Postal Service
35 with electors list, as follows:

“(a) The ~~Secretary of State~~ chief election officer is authorized to cause at his or her discretion the official list of electors to be compared to the change of address information supplied by the United States Postal Service through its licensees periodically for the purpose of identifying those electors whose addresses have changed.”

SECTION 69.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-234, relating to electors who have failed to vote and with whom there has been no contact in three years, as follows:

(1) As used in this Code section and Code Section 21-2-235, the term 'no contact' shall mean that the elector has not filed an updated voter registration card, has not filed a change of name or address, has not signed a petition which is required by law to be verified by the election superintendent of a county or municipality or the ~~Secretary of State~~ chief election officer, has not signed a voter's certificate, and has not confirmed the elector's continuation at the same address during the preceding three calendar years.

(2) In the first six months of each odd-numbered year, the ~~Secretary of State~~ chief election officer shall identify all electors whose names appear on the list of electors with whom there has been no contact during the preceding three calendar years and who were not identified as changing addresses under Code Section 21-2-233. The confirmation notice described in this Code section shall be sent to each such elector during each odd-numbered year. Such notices shall be sent by forwardable, first-class mail."

SECTION 70.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-235, relating to inactive list of electors, as follows:

“(a) In addition to the official list of electors, the ~~Secretary of State~~ chief election officer shall also maintain an inactive list of electors. Notwithstanding any other provision of law to the contrary, the names of electors on the inactive list of electors shall not be counted in computing the number of ballots required for an election, the number of voting devices needed for a precinct, the number of electors required to divide or constitute a precinct, or the number of signatures needed on any petition. However, any elector whose name appears on the inactive list shall be eligible to sign a petition and such petition signature, if valid, shall be sufficient to return the elector to the official list of electors if the elector still resides at the address listed on the elector’s registration records and shall be grounds to proceed under Code Section 21-2-234 to confirm the change of address of the elector if the elector provides a different address from the address which appears on the elector’s registration records.”

SECTION 71.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-261.1, relating to boundary requirements for precincts, as follows:

"(c) The superintendent of a county or the governing authority of a municipality shall file with the ~~Secretary of State~~ chief election officer and the Legislative and Congressional Reapportionment Office:

(1) A map reflecting any changes in precincts within 20 days after the changes are made;

(2) A copy of any communications to or from the United States Department of Justice relating to any precincts within 20 days after such communication is sent or received;

(3) A copy of any pleading initiating a court action potentially affecting any precincts within 30 days after it is filed;

(4) A copy of any court order affecting any precincts within 20 days after it is entered; and

(5) Any other documentation necessary to allow the ~~Secretary of State~~ chief election officer to maintain a current listing of all precincts in the state."

SECTION 72.

Said chapter is further amended by revising Code Section 21-2-264, relating to reimbursement of counties and municipalities for costs incurred pursuant to alteration of precinct boundaries, as follows:

"21-2-264.

In all cases of the division, redivision, alteration, formation, or consolidation of precincts, the costs of the proceedings shall be paid by the county or municipal governing authority, as appropriate. There may be appropriated to the ~~Secretary of State~~ chief election officer funds to be granted to counties or municipalities for purposes of meeting the requirements of Code Section 21-2-261.1. Upon the filing of a written request by the election officials of any qualified county or municipality, a qualified county or municipality shall be reimbursed for all reasonable expenses incurred by such county or municipality which are directly related to the redrawing of voting precinct boundaries, verification of voting precinct residency, notification of voter precinct and polling place changes, and compilation and preparation of the electors list as necessitated by Code Section 21-2-261.1; provided, however, that such reimbursement of costs shall not exceed 25¢ per registered voter whose name appeared on such county's or municipality's electors list as of January 1, 1982. Any qualified county or municipality seeking reimbursement of such costs shall present an itemized description of such costs to the ~~Secretary of State~~ chief election officer. If the ~~Secretary of State~~ chief election officer, after a review of the report of such costs incurred by a county or municipality, shall find that all or portions of such costs were

1 reasonable and were directly related to the preparation of such descriptions and lists, he or
2 she shall approve all of those parts of the costs deemed reasonable and shall reimburse the
3 counties or municipalities for such expenses. Any state funds necessary to carry out the
4 provisions of this Code section shall come only from those funds appropriated to the
5 ~~Secretary of State~~ chief election officer specifically for the purpose of implementing the
6 provisions of Code Section 21-2-261.1. If such funds are not sufficient to bear completely
7 the cost of fully implementing the provisions of Code Section 21-2-261.1, payment to the
8 counties or municipalities seeking assistance shall be made on a pro rata basis subject to
9 the availability of appropriated funds."

10 SECTION 73.

11 Said chapter is further amended by revising Code Section 21-2-284, relating to form of
12 official primary ballot, as follows:

13 "21-2-284.

14 (a) In each primary separate official ballots shall be prepared for the political party holding
15 the primary. At the top of each ballot shall be printed in prominent type the words
16 'OFFICIAL PRIMARY BALLOT OF _____ PARTY FOR,' followed by the
17 designation of the precinct for which it is prepared and the name and date of the primary.

18 (b) The ~~State Election Board~~ chief election officer shall by rule and regulation determine
19 the appropriate wording for directions as to how a vote should be cast on each type of
20 voting equipment used in the state and how a new ballot should be issued when a ballot is
21 spoiled.

22 (c) Immediately under the directions, the names of all candidates who have qualified with
23 the party in accordance with this chapter and party rules and who have been certified to the
24 superintendent or ~~Secretary of State~~ chief election officer as having so qualified shall be
25 printed on the ballots, except unopposed candidates in municipal primaries where the
26 municipal charter or ordinance does not prohibit the omission of such candidates' names
27 from the ballot. The names of the candidates shall in all cases be arranged under the title
28 of the office for which they are candidates and be printed thereunder in alphabetical order.
29 The incumbency of a candidate seeking party nomination for the public office he or she
30 then holds shall be indicated on the ballots. Under the title of each office shall be placed
31 a direction as to the number of candidates to be voted for.

32 (d) If at any general primary a political party shall submit to its members any matter or
33 question to be voted upon, the party shall by the deadline for certifying candidates for the
34 primary election certify the wording of said question to the superintendent, if to be voted
35 on by one county only, or to the ~~Secretary of State~~ chief election officer, if to be voted on
36 by more than one county; and the superintendent or ~~Secretary of State~~ chief election officer

shall have such language printed on the ballot form. To the left of each question there shall be placed the words 'Yes' and 'No' together with appropriate squares to the left of each for the convenient insertion of a cross (X) or check (✓) mark. If at any municipal primary a political party shall submit to its members any matter or question to be voted upon, the party shall also have printed on the ballots the necessary language to guide the elector in the expression of his or her choice as to such matter or question.

(e) Each ballot shall have printed thereon the following:

'I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.'

(f) The ballots shall vary in form only as the names of precincts, offices, candidates, color of ballot cards, or this chapter may require."

SECTION 74.

Said chapter is further amended by revising subsections (b) and (f) of Code Section 21-2-285, relating to form of official election ballot, as follows:

"(b)(1) Directions that explain how to cast a vote and how to obtain a new ballot after one is spoiled shall appear immediately under this caption on a ballot presenting the names of candidates for election to office as specified by the rules and regulations of the ~~State Election Board~~ chief election officer.

(2) Marks made in violation of these directions shall be disregarded in the counting of the votes cast. The names of persons inserted on the ballot by the elector shall be written only within the write-in space provided and the insertion of such names outside such column or by the use of a sticker, paster, stamp, or other printed or written matter is prohibited."

"(f) When proposed constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot following the groups of candidates for the various offices. Proposed constitutional amendments so submitted shall be printed in the order determined by the Constitutional Amendments Publication Board and in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the ~~Secretary of State~~ chief election officer and shall include the short title or heading provided for in subsection (c) of Code Section 50-12-101. Unless otherwise provided by law, any other state-wide questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the ~~Secretary of State~~ chief election officer and any local questions so submitted shall be

1 printed in brief form as directed by the General Assembly and, in the event of a failure to
2 so direct, the form shall be determined by the superintendent."

3 **SECTION 75.**

4 Said chapter is further amended by revising Code Section 21-2-285.1, relating to form of
5 ballot for nonpartisan elections, as follows:

6 "21-2-285.1.

7 The names of all candidates for offices which the General Assembly has by local Act
8 provided for election in a nonpartisan election shall be printed on each official election
9 ballot; and insofar as practicable such offices to be filled in the nonpartisan election shall
10 be separated from the names of candidates for other offices by being listed last on each
11 ballot, with the top of that portion of each official election ballot relating to the nonpartisan
12 election to have printed in prominent type the words 'OFFICIAL NONPARTISAN
13 ELECTION BALLOT.' Directions that explain how to cast a vote, how to write in a
14 candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall
15 appear immediately under the caption, as specified by rule or regulation of the ~~State~~
16 ~~Election Board~~ chief election officer. Immediately under the directions, the name of each
17 such nonpartisan candidate shall be arranged alphabetically by last name under the title of
18 the office for which they are candidates and be printed thereunder. The incumbency of a
19 candidate seeking election for the public office he or she then holds shall be indicated on
20 the ballot. No party designation or affiliation shall appear beside the name of any
21 candidate for nonpartisan office. An appropriate space shall also be placed on the ballot
22 for the casting of write-in votes for such offices. In the event that no candidate in such
23 nonpartisan election receives a majority of the total votes cast for such office, there shall
24 be a nonpartisan election runoff between the candidates receiving the two highest numbers
25 of votes; and the names of such candidates shall be placed on the official ballot at the
26 general election runoff in the same manner as prescribed in this Code section for the
27 nonpartisan election. In the event that only nonpartisan candidates are to be placed on a
28 run-off ballot, the form of the ballot shall be as prescribed by the ~~Secretary of State~~ chief
29 election officer or election superintendent in essentially the same format as prescribed for
30 the nonpartisan election. The candidate having a majority of the votes cast in the
31 nonpartisan election or the candidate receiving the highest number of votes cast in the
32 nonpartisan election runoff shall be declared duly elected to such office."

SECTION 76.

Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section 21-2-286, relating to printing specifications, numbering, and binding of ballots, as follows:

"(2) Ballots for direct recording electronic voting systems shall be designed as prescribed by the ~~Secretary of State~~ chief election officer to ensure easy reading by electors."

SECTION 77.

Said chapter is further amended by revising Code Section 21-2-288, relating to procedure as to printing of ballots when candidates for same nomination or office have same or similar names, as follows:

"21-2-288.

If two or more candidates for the same nomination or office shall have the same or similar names, the ~~Secretary of State~~ chief election officer, in the case of federal or state offices, the superintendent of elections, in the case of county offices, or the official with whom such candidates qualify, in the case of municipal elections, shall print or cause to be printed the residence of all candidates for such nomination or office on the ballot under their names. The designated official shall determine whether the names of the candidates are of such a similar nature as to warrant printing the residence of all candidates for that office on the ballot; and the decision of the designated official shall be conclusive."

SECTION 78.

Said chapter is further amended by revising Code Section 21-2-300, relating to provision of new voting equipment by state, as follows:

"21-2-300.

(a) Provided that the General Assembly specifically appropriates funding to the ~~Secretary of State~~ chief election officer to implement this subsection, the equipment used for casting and counting votes in county, state, and federal elections shall, by the July, 2004, primary election and afterwards, be the same in each county in this state and shall be provided to each county by the state, as determined by the ~~Secretary of State~~ chief election officer.

(b) Each county shall, prior to being provided with voting equipment by the state, provide polling places that are adequate for the operation of such equipment including, if necessary, the placement within the polling places of a sufficient number of electrical outlets and telephone lines.

(c) Each county shall, prior to being provided with voting equipment by the state, provide or contract for adequate technical support for the installation, set up, and operation of such

1 voting equipment for each primary, election, and special primary and special election as
2 the ~~Secretary of State~~ chief election officer shall determine by rule or regulation.

3 (d) The ~~Secretary of State~~ chief election officer shall be responsible for the development,
4 implementation, and provision of a continuing program to educate voters, election officials,
5 and poll workers in the proper use of such voting equipment. Each county shall bear the
6 costs, including transportation, subsistence, and lodging, incurred by its election and
7 registration officials in attending courses taught by or arranged by the ~~Secretary of State~~
8 chief election officer for instruction in the use of the voting equipment.

9 (e)(1) Counties shall be authorized to contract with municipal governments for the use
10 of such voting equipment in municipal elections under terms and conditions specified by
11 the ~~Secretary of State~~ chief election officer to assure that the equipment is properly used
12 and kept secure.

13 (2) Notwithstanding the provisions of Code Section 21-2-45, counties may not levy a fee
14 for use of state owned voting equipment but may require municipalities to reimburse the
15 county for the actual expenses related to the election or elections that are subject to the
16 county and municipal contract."

17 **SECTION 79.**

18 Said chapter is further amended by revising subsection (d) of Code Section 21-2-321, relating
19 to referendum on question of use of voting machines, as follows:

20 "(d) The election on such question shall be held at the places, during the hours, and under
21 the regulations provided by law for holding general elections and shall be conducted by the
22 poll officers provided by law to conduct such elections. The poll officers shall count the
23 votes cast at the election on such question and shall make return thereof to the
24 superintendent of such municipality as required by law. The returns shall be computed by
25 the superintendent and, when so computed, a certificate of the total number of electors
26 voting 'Yes' and of the total number of electors voting 'No' on such question shall be filed
27 in the office of the municipal governing authority and in the office of the ~~Secretary of State~~
28 chief election officer."

29 **SECTION 80.**

30 Said chapter is further amended by revising Code Section 21-2-324, relating to examination
31 and approval of voting machines by Secretary of State, as follows:

32 "21-2-324.

33 (a) Any person or organization owning, manufacturing, or selling, or being interested in
34 the manufacture or sale of, any voting machine may request the ~~Secretary of State~~ chief
35 election officer to examine the machine. Any ten or more electors of this state may, at any

1 time, request the ~~Secretary of State~~ chief election officer to reexamine any voting machine
2 previously examined and approved by him or her. Before any such examination or
3 reexamination, the person, persons, or organization requesting such examination or
4 reexamination shall pay to the ~~Secretary of State~~ chief election officer the reasonable
5 expenses of such examination; provided, however, that in the case of a request by ten or
6 more electors the examination fee shall be \$250.00. The ~~Secretary of State~~ chief election
7 officer may, at any time, in his or her discretion, reexamine any voting machine.

8 (b) The ~~Secretary of State~~ chief election officer shall thereupon require such machine to
9 be examined or reexamined by three examiners whom he or she shall appoint for the
10 purpose, of whom one shall be an expert in patent law and the other two shall be experts
11 in mechanics, and shall require of them a written report on such machine, attested by their
12 signatures; and the ~~Secretary of State~~ chief election officer shall examine the machine and
13 shall make and file, together with the reports of the appointed examiners, his or her own
14 report, attested by his or her signature and the seal of his or her office, stating whether, in
15 his or her opinion and in consideration of the reports of the examiners aforesaid, the kind
16 of machine so examined can be safely and accurately used by electors at primaries and
17 elections as provided in this chapter. If his or her report states that the machine can be so
18 used, the machine shall be deemed approved; and machines of its kind may be adopted for
19 use at primaries and elections as provided in this chapter.

20 (c) No kind of voting machine not so approved shall be used at any primary or election and
21 if, upon the reexamination of any voting machine previously approved, it shall appear that
22 the machine so reexamined can no longer be safely or accurately used by electors at
23 primaries or elections as provided in this chapter because of any problem concerning its
24 ability to accurately record or tabulate votes, the approval of the same shall immediately
25 be revoked by the ~~Secretary of State~~ chief election officer; and no such voting machine
26 shall thereafter be purchased for use or be used in this state.

27 (d) At least ten days prior to any primary or election, including special primaries, special
28 elections, and referendum elections, the election superintendent shall verify and certify in
29 writing to the ~~Secretary of State~~ chief election officer that all voting will occur on
30 equipment certified by the ~~Secretary of State~~ chief election officer.

31 (e) Any vendor who completes a sale of voting machines that have not been certified by
32 the ~~Secretary of State~~ chief election officer to a governmental body in this state shall be
33 subject to a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement
34 of all costs and expenses incurred by the governmental body in connection with the sale.
35 The ~~State Election Board~~ chief election officer shall have authority to impose such penalty
36 upon a finding that such a sale has occurred.

(f) When a machine has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of the machine or of its kind.

(g) Neither the ~~Secretary of State~~ chief election officer, nor any examiner appointed by him or her for the purpose prescribed by this Code section, nor any superintendent, nor the governing authority of any municipality or a member of such authority, nor any other person involved in the examination process shall have any pecuniary interest in any voting machine or in the manufacture or sale thereof.

(h) The compensation of each examiner appointed under this Code section shall be fixed and paid by the ~~Secretary of State~~ chief election officer."

SECTION 81.

Said chapter is further amended by revising subsection (b) of Code Section 21-2-325, relating to form of ballot labels generally, as follows:

"(b) If the construction of the machine shall require it, the ballot label for each candidate, group of candidates, political party or body, or question to be voted on shall bear the designating letter or number of the counter on the voting machine which will register or record votes therefor. Each question to be voted on shall appear on the ballot labels in brief form. Unless otherwise provided by law, proposed constitutional amendments so submitted shall be in brief form as directed by the General Assembly and, in the failure to so direct, the form shall be determined by the ~~Secretary of State~~ chief election officer. Unless otherwise provided by law, any other state-wide questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the ~~Secretary of State~~ chief election officer and any local questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the superintendent. In the case of questions to be voted on by the electors of a municipality, the governing authority shall determine the brief form of the questions."

SECTION 82.

Said chapter is further amended by revising Code Section 21-2-325.1, relating to candidates with same or similar names, as follows:

"21-2-325.1.

If two or more candidates for the same nomination or office shall have the same or similar names, the ~~Secretary of State~~ chief election officer, in the case of federal or state offices, the superintendent of elections, in the case of county offices, or the official with whom such candidates qualify, in the case of municipal elections, shall print or cause to be printed

1 the residence address of all candidates for such nomination or office on the ballot labels
2 under their names. The designated official shall determine whether the names of the
3 candidates are of such a similar nature as to warrant printing the residence address of all
4 candidates for that office on the ballot labels; and the decision of the designated official
5 shall be conclusive."

6 SECTION 83.

7 Said chapter is further amended by revising subsections (b) and (f) of Code
8 Section 21-2-327, relating to preparation of voting machines, as follows:

9 "(b) The superintendent shall appoint one custodian of voting machines and such deputy
10 custodians as may be necessary, whose duty it shall be to prepare the machines to be used
11 at the primaries and elections to be held therein. Each custodian and deputy custodian shall
12 receive from the municipality such compensation as shall be fixed by the governing
13 authority of the municipality. Such custodian shall, under the direction of the
14 superintendent, have charge of and represent the superintendent during the preparation of
15 the voting machines as required by this chapter, and he or she and the deputy custodians,
16 whose duty it shall be to assist him or her in the discharge of his or her duties, shall serve
17 at the pleasure of the superintendent. Each custodian shall take an oath of office framed
18 by the ~~Secretary of State~~ chief election officer, which shall be filed with the
19 superintendent."

20 "(f) In every primary or election, the superintendent shall furnish, at the expense of the
21 municipality, all ballot labels, forms of certificates, and other papers and supplies which
22 are required under this chapter and which are not furnished by the ~~Secretary of State~~ chief
23 election officer, all of which shall be in the form and according to the specifications
24 prescribed from time to time by the ~~Secretary of State~~ chief election officer. In a municipal
25 primary, ballot labels and other materials necessary for the preparation of the voting
26 machines shall be furnished free of charge to the municipal superintendent by the political
27 party conducting such primary."

28 SECTION 84.

29 Said chapter is further amended by revising Code Section 21-2-368, relating to review of
30 manufacturer's systems by Secretary of State, as follows:

31 "21-2-368.

32 (a) Any person or organization owning, manufacturing, or selling, or being interested in
33 the manufacture or sale of, any optical scanning voting system may request the ~~Secretary~~
34 ~~of State~~ chief election officer to examine the optical scanning voting system. Any ten or
35 more electors of this state may, at any time, request the ~~Secretary of State~~ chief election

1 officer to reexamine any optical scanning voting system previously examined and approved
2 by him or her. Before any such examination or reexamination, the person, persons, or
3 organization requesting such examination or reexamination shall pay to the ~~Secretary of~~
4 ~~State~~ chief election officer the reasonable expenses of such examination. The ~~Secretary of~~
5 ~~State~~ chief election officer may, at any time, in his or her discretion, reexamine any optical
6 scanning voting system.

7 (b) The ~~Secretary of State~~ chief election officer shall thereupon examine or reexamine
8 such optical scanning voting system and shall make and file in his or her office a report,
9 attested by his or her signature and the seal of his or her office, stating whether, in his or
10 her opinion, the kind of optical scanning voting system so examined can be safely and
11 accurately used by electors at primaries and elections as provided in this chapter. If this
12 report states that the optical scanning voting system can be so used, the optical scanning
13 voting system shall be deemed approved; and optical scanning voting systems of its kind
14 may be adopted for use at primaries and elections as provided in this chapter.

15 (c) No kind of optical scanning voting system not so approved shall be used at any primary
16 or election and if, upon the reexamination of any optical scanning voting system previously
17 approved, it shall appear that the optical scanning voting system so reexamined can no
18 longer be safely or accurately used by electors at primaries or elections as provided in this
19 chapter because of any problem concerning its ability to accurately record or tabulate votes,
20 the approval of the same shall immediately be revoked by the ~~Secretary of State~~ chief
21 election officer; and no such optical scanning voting system shall thereafter be purchased
22 for use or be used in this state.

23 (d) At least ten days prior to any primary or election, including special primaries, special
24 elections, and referendum elections, the election superintendent shall verify and certify in
25 writing to the ~~Secretary of State~~ chief election officer that all voting will occur on
26 equipment certified by the ~~Secretary of State~~ chief election officer.

27 (e) Any vendor who completes a sale of optical scanning voting system that has not been
28 certified by the ~~Secretary of State~~ chief election officer to a governmental body in this state
29 shall be subject to a penalty of \$100,000.00, payable to the State of Georgia, plus
30 reimbursement of all costs and expenses incurred by the governmental body in connection
31 with the sale. The ~~State Election Board~~ chief election officer shall have authority to
32 impose such penalty upon a finding that such a sale has occurred.

33 (f) When an optical scanning voting system has been so approved, no improvement or
34 change that does not impair its accuracy, efficiency, or capacity shall render necessary a
35 reexamination or reapproval of the optical scanning voting system, or of its kind.

36 (g) Neither the ~~Secretary of State~~ chief election officer, nor any custodian, nor the
37 governing authority of any county or municipality or a member of such authority nor any

other person involved in the examination process shall have any pecuniary interest in any optical scanning voting system or in the manufacture or sale thereof."

SECTION 85.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-369, relating to printing of ballots, as follows:

"(c) The form and arrangement of ballots shall be prescribed by the ~~Secretary of State~~ chief election officer and prepared by the superintendent."

SECTION 86.

Said chapter is further amended by revising Code Section 21-2-369.1, relating to candidates with similar names, as follows:

"21-2-369.1.

If two or more candidates for the same nomination or office shall have the same or similar names, the ~~Secretary of State~~ chief election officer, in the case of federal or state offices, the superintendent of elections, in the case of county offices, or the official with whom such candidates qualify, in the case of municipal elections, shall print or cause to be printed the residence of all candidates for such nomination or office on the ballot under their names. The designated official shall determine whether the names of the candidates are of such a similar nature as to warrant printing the residence of all candidates for that office on the ballot; and the decision of the designated official shall be conclusive."

SECTION 87.

Said chapter is further amended by revising Code Section 21-2-373, relating to write-in votes, as follows:

"21-2-373.

In elections, electors shall be permitted to cast write-in votes. The design of the ballot shall permit the superintendents, in counting the write-in votes, to determine readily whether an elector has cast any write-in vote not authorized by law. The ~~Secretary of State~~ chief election officer, in specifying the form of the ballot; and ~~the State Election Board~~, in promulgating rules and regulations respecting the conduct of elections, shall provide for ballot secrecy in connection with write-in votes."

SECTION 88.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-374, relating to proper programming, as follows:

1 "(c) In every primary or election, the superintendent shall furnish, at the expense of the
2 county or municipality, all ballots, forms of certificates, and other papers and supplies
3 required under this chapter and which are not furnished by the ~~Secretary of State~~ chief
4 election officer, all of which shall be in the form and according to the specifications
5 prescribed, from time to time, by the ~~Secretary of State~~ chief election officer."

6 SECTION 89.

7 Said chapter is further amended by revising Code Section 21-2-379.2, relating to review of
8 manufacturer's electronic recording voting system by Secretary of State, as follows:

9 "21-2-379.2.

10 (a) Any person or organization owning, manufacturing, or selling, or being interested in
11 the manufacture or sale of, any direct recording electronic ~~recording~~ voting system may
12 request the ~~Secretary of State~~ chief election officer to examine the system. Any ten or
13 more electors of this state may, at any time, request the ~~Secretary of State~~ chief election
14 officer to reexamine any such system previously examined and approved by him or her.
15 Before any such examination or reexamination, the person, persons, or organization
16 requesting such examination or reexamination shall pay to the ~~Secretary of State~~ chief
17 election officer the reasonable expenses of such examination. The ~~Secretary of State~~ chief
18 election officer may, at any time, in his or her discretion, reexamine any such system.

19 (b) The ~~Secretary of State~~ chief election officer shall thereupon examine or reexamine
20 such direct recording electronic ~~recording~~ voting system and shall make and file in his or
21 her office a report, attested by his or her signature and the seal of his or her office, stating
22 whether, in his or her opinion, the kind of system so examined can be safely and accurately
23 used by electors at primaries and elections as provided in this chapter. If this report states
24 that the system can be so used, the system shall be deemed approved; and systems of its
25 kind may be adopted for use at primaries and elections as provided in this chapter.

26 (c) No kind of direct recording electronic ~~recording~~ voting system not so approved shall
27 be used at any primary or election and if, upon the reexamination of any such system
28 previously approved, it shall appear that the system so reexamined can no longer be safely
29 or accurately used by electors at primaries or elections as provided in this chapter because
30 of any problem concerning its ability to accurately record or tabulate votes, the approval
31 of the same shall immediately be revoked by the ~~Secretary of State~~ chief election officer;
32 and no such system shall thereafter be purchased for use or be used in this state.

33 (d) At least ten days prior to any primary or election, including special primaries, special
34 elections, and referendum elections, the election superintendent shall verify and certify in
35 writing to the ~~Secretary of State~~ chief election officer that all voting will occur on
36 equipment certified by the ~~Secretary of State~~ chief election officer.

(e) Any vendor who completes a sale of a direct recording electronic voting system that has not been certified by the ~~Secretary of State~~ chief election officer to a governmental body in this state shall be subject to a penalty of \$100,000.00, payable to the State of Georgia, plus reimbursement of all costs and expenses incurred by the governmental body in connection with the sale. The ~~State Election Board~~ chief election officer shall have authority to impose such penalty upon a finding that such a sale has occurred.

(f) When a direct recording electronic ~~recording~~ voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of such system, or of its kind.

(g) Neither the ~~Secretary of State~~ chief election officer, nor any custodian, nor the governing authority of any county or municipality or a member of such authority nor any other person involved in the examination process shall have any pecuniary interest in any direct recording electronic ~~recording~~ voting system or in the manufacture or sale thereof."

SECTION 90.

Said chapter is further amended by revising subsection (d) of Code Section 21-2-379.4, relating to ballot appearance, as follows:

"(d) The form and arrangement of ballots shall be prescribed by the ~~Secretary of State~~ chief election officer and prepared by the election superintendent."

SECTION 91.

Said chapter is further amended by revising subsections (a) and (f) of Code Section 21-2-379.5, relating to ballot information, as follows:

"(a) If two or more candidates for the same nomination or office shall have the same or similar names, the ~~Secretary of State~~ chief election officer, in the case of federal or state offices, the superintendent of elections, in the case of county offices, or the official with whom such candidates qualify, in the case of municipal elections, shall print or cause to be printed the residence of all candidates for such nomination or office on the ballot under their names. The designated official shall determine whether the names of the candidates are of such a similar nature as to warrant printing the residence of all candidates for that office on the ballot; and the decision of the designated official shall be conclusive."

"(f) When proposed constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot below the groups of candidates for the various offices. Proposed constitutional amendments so submitted shall be printed in the order determined by the Constitutional Amendments Publication Board and in brief form as directed by the General Assembly or, in the event of a failure to so direct, the form shall be determined by the ~~Secretary of State~~

1 chief election officer and shall include the short title or heading provided for in
 2 subsection (c) of Code Section 50-12-101. Unless otherwise provided by law, any other
 3 state-wide questions so submitted shall be printed in brief form as directed by the General
 4 Assembly or, in the event of a failure to so direct, the form shall be determined by the
 5 ~~Secretary of State~~ chief election officer; and any local questions so submitted shall be
 6 printed in brief form as directed by the General Assembly or, in the event of a failure to so
 7 direct, the form shall be determined by the superintendent. Next to or below the question
 8 there shall be placed the words 'YES' and 'NO' between which the elector may choose in
 9 casting his or her vote."

10 **SECTION 92.**

11 Said chapter is further amended by revising Code Section 21-2-379.6, relating to
 12 maintenance of voting systems and supplies, as follows:

13 "21-2-379.6.

14 (a) The superintendent of each county or municipality shall cause the proper ballot design
 15 and style to be programmed for each direct recording electronic (DRE) unit which is to be
 16 used in any precinct within such county or municipality, cause each such unit to be placed
 17 in proper order for voting, examine each unit before it is sent to a polling place, verify that
 18 each registering mechanism is set at zero, and properly secure each unit so that the
 19 counting machinery cannot be operated until later authorized.

20 (b) The superintendent may appoint, with the approval of the county or municipal
 21 governing authority, as appropriate, a custodian of the DRE units, and deputy custodians
 22 as may be necessary, whose duty shall be to prepare the units to be used in the county or
 23 municipality at the primaries and elections to be held therein. Each custodian and deputy
 24 custodian shall receive from the county or municipality such compensation as shall be fixed
 25 by the governing authority of the county or municipality. Such custodian shall, under the
 26 direction of the superintendent, have charge of and represent the superintendent during the
 27 preparation of the units as required by this chapter. The custodian and deputy custodians
 28 shall serve at the pleasure of the superintendent. Each custodian shall take an oath of office
 29 prepared by the ~~Secretary of State~~ chief election officer before each primary or election
 30 which shall be filed with the superintendent.

31 (c) On or before the third day preceding a primary or election, including special primaries,
 32 special elections, and referendum elections, the superintendent shall have each DRE unit
 33 tested to ascertain that it will correctly count the votes cast for all offices and on all
 34 questions in a manner that the ~~State Election Board~~ chief election officer shall prescribe by
 35 rule or regulation. On or before the third day preceding a primary runoff or election runoff,
 36 including special primary runoffs and special election runoffs, the superintendent shall test

1 a number of DRE units at random to ascertain that the units will correctly count the votes
2 cast for all offices. If the total number of DRE units in the county or municipality is 30
3 units or less, all of the units shall be tested. If the total number of DRE units in the county
4 or municipality is more than 30 but not more than 100, then at least one-half of the units
5 shall be tested at random. If there are more than 100 DRE units in the county or
6 municipality, the superintendent shall test at least 15 percent of the units at random. In no
7 event shall the superintendent test less than one DRE unit per precinct. All memory cards
8 to be used in the runoff shall be tested. Public notice of the time and place of the test shall
9 be made at least five days prior thereto; provided, however, that, in the case of a runoff, the
10 public notice shall be made at least three days prior thereto. Representatives of political
11 parties and bodies, news media, and the public shall be permitted to observe such tests.
12 (d) In every primary or election, the superintendent shall furnish, at the expense of the
13 county or municipality, all ballots, forms of certificates, and other papers and supplies
14 required under this chapter which are not furnished by the ~~Secretary of State~~ chief election
15 officer, all of which shall be in the form and according to any specifications prescribed,
16 from time to time, by the ~~Secretary of State~~ chief election officer."

17 SECTION 93.

18 Said chapter is further amended by revising subsection (a) of Code Section 21-2-379.8,
19 relating to public exhibition of voting system and sample ballot, as follows:

20 "(a) The superintendent or his or her designee shall place on public exhibition and
21 demonstrate the use of the direct recording electronic (DRE) units throughout the county
22 or municipality during the month preceding each primary and election. The ~~Secretary of~~
23 ~~State~~ chief election officer shall advise the superintendents on recommended methods of
24 demonstrating such units so as to properly educate electors in the use thereof, and, at least
25 during the initial year in which DRE equipment is used in a county or municipality, all
26 superintendents shall offer a series of demonstrations and organized voter education
27 initiatives to equip electors for using such equipment in voting."

28 SECTION 94.

29 Said chapter is further amended by revising subsection (a) of Code Section 21-2-379.9,
30 relating to storage of voting equipment, as follows:

31 "(a) All direct recording electronic (DRE) units and related equipment, when not in use,
32 shall be properly stored and secured under conditions as shall be specified by the ~~Secretary~~
33 ~~of State~~ chief election officer."

SECTION 95.

Said chapter is further amended by revising paragraph (2) of subsection (c) of Code Section 21-2-379.11, relating to procedure for tabulation of votes, as follows:

"(2) If a system is established by the ~~Secretary of State~~ chief election officer, the poll manager shall first transmit the election results extracted from each DRE unit in each precinct via modem to the central tabulating center of the county; and".

SECTION 96.

Said chapter is further amended by revising subparagraph (a)(1)(H) of Code Section 21-2-381, relating to making of application for absentee ballot, as follows:

"(H) Any elector meeting criteria of advanced age or disability specified by rule or regulation of the ~~State Election Board~~ chief election officer may request in writing on one application a ballot for a primary as well as for any runoffs resulting therefrom and for the election for which such primary shall nominate candidates as well as any runoffs resulting therefrom. If not so requested by such person a separate and distinct application shall be required for each primary, run-off primary, election, and run-off election. Except as otherwise provided in this subparagraph, a separate and distinct application for an absentee ballot shall always be required for the presidential preference primary held pursuant to Article 5 of this chapter and for any special election or special primary."

SECTION 97.

Said chapter is further amended by revising subsection (e) of Code Section 21-2-381, relating to making of application for absentee ballot, as follows:

"(e) The ~~State Election Board~~ chief election officer is authorized to promulgate reasonable rules and regulations for the implementation of paragraph (1) of subsection (a) of this Code section. Said rules and regulations may include provisions for the limitation of opportunities for fraudulent application, including, but not limited to, comparison of voter registration records with death certificates."

SECTION 98.

Said chapter is further amended by revising subsections (c) and (d) of Code Section 21-2-381.1, relating to procedures for voting with special write-in absentee ballots by qualified absentee electors, as follows:

"(c) In order to qualify for a special write-in absentee ballot, the voter must state that he or she is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world.

1 This statement may be made on the federal post card application or on a form prepared by
2 the ~~Secretary of State~~ chief election officer and supplied and returned with the special
3 write-in absentee ballot.

4 (d) Upon receipt of said application, the registrars shall issue the special write-in absentee
5 ballot which shall be prescribed and provided by the ~~Secretary of State~~ chief election
6 officer. Such ballot shall permit the elector to vote by writing in a party preference for
7 each office, the names of specific candidates for each office, or the name of the person
8 whom the voter prefers for each office."

9 **SECTION 99.**

10 Said chapter is further amended by revising Code Section 21-2-381.2, relating to state
11 write-in absentee ballot for certain electors, as follows:

12 "21-2-381.2.

13 (a) The ~~Secretary of State~~ chief election officer shall design a state write-in absentee ballot
14 for federal offices and state offices that are voted upon on a state-wide basis for use in a
15 primary runoff or election runoff by an eligible absentee elector who lives outside the
16 county or municipality in which the election is held and who is:

17 (1) A member of the armed forces of the United States, a member of the merchant
18 marine of the United States, a member of the commissioned corps of the Public Health
19 Service or the National Oceanic and Atmospheric Administration, or a spouse or
20 dependent of such member residing with or accompanying said member; or

21 (2) A citizen of the United States residing outside the United States.

22 (b) Such state write-in absentee ballot shall be automatically included with any absentee
23 ballot sent to such eligible absentee electors for any general primary or general election.
24 No special request for such state write-in absentee ballot shall be required.

25 (c) The state write-in absentee ballot shall contain instructions for completing and
26 returning such ballot.

27 (d) The ~~Secretary of State~~ chief election officer shall establish a website which such
28 eligible absentee electors may access to determine if there is a primary runoff or election
29 runoff for a federal office or a state office that is voted upon on a state-wide basis. The
30 address of such website shall be included in the instructions for voting such state write-in
31 absentee ballot.

32 (e) The ~~State Election Board~~ chief election officer may provide by rule or regulation for
33 additional means of transmitting the state write-in absentee ballot to eligible absentee
34 electors including, but not limited to, the use of facsimile transmissions and portable
35 document format electronic versions.

(f) The registrars shall send a regular absentee ballot to such eligible absentee electors in accordance with Code Section 21-2-381. In the event that both the regular absentee ballot and the state write-in absentee ballot are received by the registrars within the time period for receiving absentee ballots, the regular absentee ballot shall be counted and the state write-in absentee ballot shall be kept unopened in the same manner as absentee ballots that are returned too late to be counted. Ballots for primary runoffs and election runoffs that are postmarked by the date of the primary runoff or election runoff, if proper in all other respects, shall be counted if received by the registrars within the three-day period following such primary runoff or election runoff."

SECTION 100.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-383, relating to preparation and delivery of ballots, as follows:

"(a) Ballots for use by absentee electors shall be prepared sufficiently in advance by the superintendent and shall be delivered to the board of registrars or absentee ballot clerk as provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots required by Article 8 of this chapter, except that in counties using voting machines or direct recording electronic (DRE) units the ballots may be in substantially the form for the ballot labels required by Article 9 of this chapter. Every such ballot shall have printed with other instructions thereon the following:

'I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.'

The form for either ballot shall be determined and prescribed by the ~~Secretary of State~~ chief election officer, except in municipal primaries or elections, in which the form of absentee ballots which follows the paper ballot format shall be determined and prescribed by the superintendent."

SECTION 101.

Said chapter is further amended by revising subsection (b) of Code Section 21-2-384, relating to preparation and delivery of supplies, as follows:

"(b) In addition to the mailing envelope, the superintendent, board of registrars, or absentee ballot clerk shall provide two envelopes for each official absentee ballot, of such size and shape as shall be determined by the ~~Secretary of State~~ chief election officer, in order to permit the placing of one within the other and both within the mailing envelope. On the smaller of the two envelopes to be enclosed in the mailing envelope shall be printed the words 'Official Absentee Ballot' and nothing else. On the back of the larger of the two

1 envelopes to be enclosed within the mailing envelope shall be printed the form of oath of
2 the elector and the oath for persons assisting electors, as provided for in Code
3 Section 21-2-409, and the penalties provided for in Code Sections 21-2-568, 21-2-573,
4 21-2-579, and 21-2-599 for violations of oaths; and on the face of such envelope shall be
5 printed the name and address of the board of registrars or absentee ballot clerk. The
6 mailing envelope addressed to the elector shall contain the two envelopes, the official
7 absentee ballot, and the uniform instructions for the manner of preparing and returning the
8 ballot, in form and substance as provided by the ~~Secretary of State~~ chief election officer
9 and nothing else. The uniform instructions shall include information specific to the voting
10 system used for absentee voting concerning the effect of overvoting or voting for more
11 candidates than one is authorized to vote for a particular office and information concerning
12 how the elector may correct errors in voting the ballot before it is cast including
13 information on how to obtain a replacement ballot if the elector is unable to change the
14 ballot or correct the error."

15 **SECTION 102.**

16 Said chapter is further amended by revising paragraph (2) of subsection (c) of Code
17 Section 21-2-384, relating to preparation and delivery of supplies, as follows:

18 "(2) In the case of absent uniformed services or overseas voters, if the presidential
19 designee under Section 705(b) of the federal Help America Vote Act promulgates a
20 standard oath for use by such voters, the ~~Secretary of State~~ chief election officer shall be
21 required to use such oath on absentee ballot materials for such voters and such oath shall
22 be accepted in lieu of the oath set forth in paragraph (1) of this subsection."

23 **SECTION 103.**

24 Said chapter is further amended by revising subparagraph (a)(1)(G) of Code
25 Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots,
26 as follows:

27 "(G) Notwithstanding any provision of this chapter to the contrary, until the United
28 States Department of Defense notifies the ~~Secretary of State~~ chief election officer that
29 the Department of Defense has implemented a system of expedited absentee voting for
30 those electors covered by this subparagraph, absentee ballots cast in a primary, election,
31 or runoff by eligible absentee electors who reside outside the county or municipality in
32 which the primary, election, or runoff is held and are members of the armed forces of
33 the United States, members of the merchant marine of the United States, spouses or
34 dependents of members of the armed forces or merchant marine residing with or
35 accompanying such members, or overseas citizens that are postmarked by the date of

such primary, election, or runoff and are received within the three-day period following such primary, election, or runoff, if proper in all other respects, shall be valid ballots and shall be counted and included in the certified election results."

SECTION 104.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-400, relating to duty of superintendent to obtain cards of instruction, blank forms of oaths, and other forms and supplies, as follows:

"(a) Prior to each primary and election, the superintendent shall obtain from the ~~Secretary of State~~ chief election officer a sufficient number of cards of instruction for guidance of electors. Such cards of instruction shall include such portions of this chapter as deemed necessary by the ~~Secretary of State~~ chief election officer and shall be printed for the type of voting equipment or ballots used in the county or municipality. The superintendent shall also obtain from the ~~Secretary of State~~ chief election officer a sufficient number of blank forms of oaths of poll officers, voter's certificates, voting rights posters, notices of penalties, oaths of assisted electors, numbered list of voters, tally sheets, return sheets, and such other forms and supplies required by this chapter, in each precinct of the county or municipality."

SECTION 105.

Said chapter is further amended by revising Code Section 21-2-402, relating to preparation of voter's certificates by Secretary of State, as follows:

"21-2-402.

(a) At each primary and election, the ~~Secretary of State~~ chief election officer shall prepare and furnish to each superintendent a suitable number of voter's certificates which shall be in substantially the following form:

VOTER'S CERTIFICATE

I hereby certify that I am qualified to vote at the (primary or election) held on _____, that I have not and will not vote elsewhere in this (primary or election) in my own name or in any other name, and that I am a citizen of the United States and am not currently serving a sentence for a felony conviction. I understand that making a false statement on this certificate is a felony under Code Section 21-2-562.

Signature _____

Current residence address of elector:

Elector's date of birth: _____

1 Name or initials of poll officer receiving voter's certificate: _____

2 In case of physical disability or illiteracy, fill out the following:

3 Reason for assistance (Check appropriate square):

4 ☐ Elector is unable to read the English language.

5 ☐ Elector requires assistance due to physical disability.

6 _____
7 Signature of poll officer

8 Number of stub of ballot or number of admission to voting machine: _____

9 (b) The voter's certificates shall be so prepared as to be capable of being inserted by the
10 poll officers in a suitable binder for each primary or election. The binder shall have written
11 thereon the words 'Voter's Certificates' and shall have a space for filling in the designation
12 of the precinct and the date of the primary or election.

13 (c) The election superintendent may obtain or may create and provide other voter's
14 certificates, provided that such other voter's certificates are in the form required under this
15 Code section and are approved by the ~~Secretary of State~~ chief election officer."

16 **SECTION 106.**

17 Said chapter is further amended by revising subsection (b) of Code Section 21-2-408, relating
18 to poll watchers, as follows:

19 "(b)(1) In an election or run-off election, each political party and political body shall each
20 be entitled to designate, at least seven days prior to such election or run-off election, no
21 more than two official poll watchers in each precinct to be selected by the appropriate
22 party or body executive committee. Each independent candidate shall be entitled to
23 designate one poll watcher in each precinct. In addition, candidates running in a
24 nonpartisan election shall be entitled to designate one poll watcher in each precinct. Each
25 poll watcher shall be given a letter signed by the appropriate political party or body
26 chairperson and secretary, if a party or body designates same, or by the independent or
27 nonpartisan candidate, if named by the independent or nonpartisan candidate. Such letter
28 shall contain the following information: name of official poll watcher, address, precinct
29 in which he or she shall serve, and date of election or run-off election. At least three days
30 prior to the election, a copy of the letter shall be delivered to the superintendent of the
31 county or municipality in which the poll watcher is to serve.

32 (2) In an election or run-off election, each political party and political body, which body
33 is registered pursuant to Code Section 21-2-110 and has nominated a candidate for
34 state-wide office, shall additionally be entitled to designate, at least 14 days prior to such
35 election or run-off election, no more than 25 official state-wide poll watchers to be
36 selected by the appropriate party or body executive committee. Each independent

1 candidate shall also be entitled to designate no more than 25 official state-wide poll
2 watchers. In addition, candidates running in a state-wide nonpartisan election shall be
3 entitled to designate no more than 25 official state-wide poll watchers. All such
4 designations of state-wide poll watchers shall be in writing and made and submitted to
5 the ~~State Election Board~~ chief election officer. A state-wide poll watcher shall have the
6 same powers and duties as poll watchers and shall be entitled to watch the polls in any
7 precinct in the state but shall otherwise be subject to all limitations and prohibitions
8 placed on poll watchers; provided, however, that no more than two state-wide poll
9 watchers of a political party or body, of an independent candidate, or of a nonpartisan
10 candidate shall be in the same polling place simultaneously. Each state-wide poll watcher
11 shall be given a letter signed by the ~~chairperson of the State Election Board~~ chief election
12 officer or his or her designee. Such letter shall contain the following information: name
13 of official state-wide poll watcher, address, a statement that such poll watcher is a
14 state-wide poll watcher, and date of election or run-off election. At least three days prior
15 to the election, a copy of the letter shall be delivered to the superintendent of each county
16 in which the poll watcher might serve.

17 (3)(A) In an election or run-off election, each political party and political body shall
18 each be entitled to designate, at least seven days prior to the beginning of the advance
19 voting period for such election or run-off election, no more than two official poll
20 watchers for each location at which advance voting is conducted pursuant to
21 subsection (b) of Code Section 21-2-380 to be selected by the appropriate party or body
22 executive committee. Each independent candidate shall be entitled to designate one
23 poll watcher for each location at which advance voting is conducted pursuant to
24 subsection (b) of Code Section 21-2-380. In addition, candidates running in a
25 nonpartisan election shall be entitled to designate one poll watcher for each location at
26 which advance voting is conducted pursuant to subsection (b) of Code
27 Section 21-2-380. Each poll watcher shall be given a letter signed by the appropriate
28 political party or body chairperson and secretary, if a party or body designates same,
29 or by the independent or nonpartisan candidate, if named by the independent or
30 nonpartisan candidate. Such letter shall contain the following information: name of
31 official poll watcher, address, precinct in which he or she shall serve, and date of
32 election or run-off election. At least three days prior to the beginning of the advance
33 voting period for such election, a copy of the letter shall be delivered to the
34 superintendent and the chief registrar of the county or municipality in which the poll
35 watcher is to serve.

36 (B) In an election or run-off election, each political party and political body, which
37 body is registered pursuant to Code Section 21-2-110 and has nominated a candidate

1 for state-wide office, shall additionally be entitled to designate, at least 14 days prior
2 to the beginning of the advance voting period for such election or run-off election, no
3 more than 25 official state-wide poll watchers for such advance voting period to be
4 selected by the appropriate party or body executive committee. Each independent
5 candidate shall also be entitled to designate no more than 25 official state-wide poll
6 watchers for such advance voting period. In addition, candidates running in a
7 state-wide nonpartisan election shall be entitled to designate no more than 25 official
8 state-wide poll watchers for such advance voting period. All such designations of
9 state-wide poll watchers shall be in writing and made and submitted to the ~~State~~
10 ~~Election Board~~ chief election officer. A state-wide poll watcher shall have the same
11 powers and duties as poll watchers and shall be entitled to watch any advance voting
12 location in the state but shall otherwise be subject to all limitations and prohibitions
13 placed on poll watchers; provided, however, that no more than two state-wide poll
14 watchers of a political party or body, of an independent candidate, or of a nonpartisan
15 candidate shall be in an advance voting location simultaneously. Each state-wide poll
16 watcher shall be given a letter signed by the ~~chairperson of the State Election Board~~
17 chief election officer or his or her designee. Such letter shall contain the following
18 information: name of official state-wide poll watcher, address, a statement that such
19 poll watcher is a state-wide poll watcher for advance voting, and date of election or
20 run-off election. At least three days prior to the beginning of the advance voting period
21 for such election, a copy of the letter shall be delivered to the superintendent and chief
22 registrar of each county in which the poll watcher might serve."

23 SECTION 107.

24 Said chapter is further amended by revising Code Section 21-2-408, relating to poll watchers,
25 by adding a new subsection to read as follows:

26 "(f)(1) The chief election officer by rule and regulation shall promulgate
27 nondiscriminatory standards for granting access to the electoral process to nonpartisan
28 election observers. Such standards shall take into account the need to avoid disruption
29 and crowding in polling places, the privacy and confidentiality of the electors in voting,
30 the protection of the integrity of the election process, and the orderly conducting of
31 elections as well as the need to ensure that all questions posed by election observers are
32 answered fully, accurately, and cooperatively.

33 (2) Nonpartisan domestic and international observers, including, but not limited to,
34 voting rights organizations, civil rights organizations, and civic organizations, shall be
35 allowed uniform and nondiscriminatory access to any polling place for the purpose of

1 observing an election in accordance with the standards promulgated by the chief election
2 officer pursuant to paragraph (1) of this subsection.

3 (3) Nonpartisan observers shall be allowed uniform and nondiscriminatory access to all
4 stages of the election process, including the certification of election technologies, early
5 and absentee voting, and voting counting and aggregation.

6 (4) The chief election officer shall issue a public notice with respect to any denial of a
7 request by any observer for access to any polling place for purposes of observing an
8 election. Such notice shall be issued not later than 24 hours after such denial."

9 **SECTION 108.**

10 Said chapter is further amended by revising subsection (f) of Code Section 21-2-413, relating
11 to conduct of voters, campaigners, and others at polling places generally, as follows:

12 "(f) All persons except poll officers, poll watchers, persons in the course of voting and
13 such persons' children under 18 years of age or any child who is 12 years of age or younger
14 accompanying such persons, persons lawfully giving assistance to electors, duly authorized
15 investigators of the ~~State Election Board~~ chief election officer, and peace officers when
16 necessary for the preservation of order, must remain outside the enclosed space during the
17 progress of the voting. Notwithstanding any other provision of this chapter, any elector
18 shall be permitted to be accompanied into the enclosed area and into a voting compartment
19 or voting machine booth while voting by such elector's child or children under 18 years of
20 age or any child who is 12 years of age or younger unless the poll manager or an assistant
21 manager determines in his or her sole discretion that such child or children are causing a
22 disturbance or are interfering with the conduct of voting. Children accompanying an
23 elector in the enclosed space pursuant to this subsection shall not in any manner handle any
24 ballot nor operate any function of the voting equipment under any circumstances."

25 **SECTION 109.**

26 Said chapter is further amended by revising subsection (g) of Code Section 21-2-414, relating
27 to restrictions on campaign activities and public opinion polling within the vicinity of a
28 polling place, as follows:

29 "(g) This Code section shall not be construed to prohibit a poll officer from distributing
30 materials, as required by law, which are necessary for the purpose of instructing electors
31 or from distributing materials prepared by the ~~Secretary of State~~ chief election officer
32 which are designed solely for the purpose of encouraging voter participation in the election
33 being conducted."

SECTION 110.

Said chapter is further amended by revising Code Section 21-2-417.1, relating to voter identification card, as follows:

"21-2-417.1.

(a) Each county board of registrars shall provide at least one place in the county at which it shall accept applications for and issue Georgia voter identification cards to registered Georgia electors which shall under state law be valid only for purposes of voter identification under Code Section 21-2-417 and available only to registered electors of this state. No fee shall be charged or collected for the application for or issuance of a Georgia voter identification card.

(b) No person shall be eligible for a Georgia voter identification card if such person has a valid unexpired driver's license or identification card issued under Code Section 40-5-100.

(c) The Georgia voter identification card shall be captioned 'GEORGIA VOTER IDENTIFICATION CARD' and shall contain a prominent statement that under Georgia law it is valid only as identification for voting purposes. The Georgia voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include the following information:

(1) Full legal name;

(2) Address of residence;

(3) Birth date;

(4) Date identification card was issued;

(5) Sex;

(6) Height;

(7) Weight;

(8) Eye color;

(9) County where the identification card was issued including a county number to be assigned for each county by the ~~Secretary of State~~ chief election officer; and

(10) Such other information or identification as required by rule of the ~~State Election Board~~ chief election officer.

(d) The application for a Georgia voter identification card shall elicit the information required under subsection (c) of this Code section and such other information as may be required by rule of the ~~State Election Board~~ chief election officer. The application shall be signed and sworn to by the applicant and any falsification or fraud in the making of the application shall constitute a felony offense under Code Section 16-10-71, relating to the offense of false swearing.

(e) The board of registrars shall require presentation and verification of the following information before issuing a Georgia voter identification card to a person:

(1) A photo identity document, except that a nonphoto identity document is acceptable if it includes both the person's full legal name and date of birth;

(2) Documentation showing the person's date of birth;

(3) Evidence that the person is registered to vote in this state; and

(4) Documentation showing the person's name and address of principal residence.

(f) A Georgia voter identification card shall remain valid so long as a person resides at the same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within the State of Georgia to surrender his or her card to the board of registrars of the county of his or her new residence; and such person may after such surrender apply for and receive a new card if such person is otherwise eligible under this Code section. It shall be the duty of a person who moves his or her residence outside the State of Georgia or who ceases to be qualified to vote to surrender his or her card to the board of registrars by which it was issued.

(g) The ~~State Election Board~~ chief election officer shall provide each county board of registrars with the necessary equipment, forms, supplies, and training for the production of the Georgia voter identification cards and shall maintain such equipment.

(h) The ~~State Election Board~~ chief election officer shall adopt rules and regulations for the administration of this Code section and, without limiting the generality of the foregoing, such rules and regulations may further define or prescribe the types of documentation required under subsection (e) of this Code section."

SECTION 111.

Said chapter is further amended by revising subsections (b) and (g) of Code Section 21-2-418, relating to provisional ballots, as follows:

"(b) Such person voting a provisional ballot shall complete an official voter registration form and a provisional ballot voting certificate which shall include information about the place, manner, and approximate date on which the person registered to vote. The person shall swear or affirm in writing that he or she previously registered to vote in such primary or election, is eligible to vote in such primary or election, has not voted previously in such primary or election, and meets the criteria for registering to vote in such primary or election. The form of the provisional ballot voting certificate shall be prescribed by the ~~Secretary of State~~ chief election officer. The person shall also present the identification required by Code Section 21-2-417."

1 "(g) Failure to establish such free access system shall subject the registrars and the county
2 by which the registrars are employed to sanctions by the ~~State Election Board~~ chief election
3 officer."

4 **SECTION 112.**

5 Said chapter is further amended by revising subsection (c) of Code Section 21-2-438, relating
6 to ballots identifying voter, not marked, or improperly marked declared void, as follows:

7 "(c) Notwithstanding any other provisions of this chapter to the contrary and in accordance
8 with the rules and regulations of the ~~State Election Board~~ chief election officer
9 promulgated pursuant to paragraph ~~(7)~~ (22) of Code Section 21-2-31, if the elector has
10 marked his or her ballot in such a manner that he or she has indicated clearly and without
11 question the candidate for whom he or she desires to cast his or her vote, his or her ballot
12 shall be counted and such candidate shall receive his or her vote, notwithstanding the fact
13 that the elector in indicating his or her choice may have marked his or her ballot in a
14 manner other than as prescribed by this chapter."

15 **SECTION 113.**

16 Said chapter is further amended by revising subsection (a) of Code Section 21-2-440, relating
17 to duty of poll officers to sign general returns, as follows:

18 "(a) Immediately after the vote has been counted in precincts in which paper ballots are
19 used, all of the general returns shall be signed by the poll officers. If any poll officer shall
20 refuse to sign or certify the general returns, he or she shall write his or her reasons therefor
21 upon the general return sheets. One of such returns shall be immediately posted for the
22 information of the public outside the polling place or place of tabulation, one of such
23 returns shall be returned sealed to the superintendent in an envelope prepared for the
24 ~~Secretary of State~~ chief election officer or the city clerk, and one shall be entrusted to the
25 chief manager for delivery to the superintendent with the package of unused ballots and
26 other election supplies in an envelope provided for that purpose. The poll officer shall then
27 replace all the ballots cast, so counted and canvassed, in the ballot boxes, including those
28 declared void, spoiled, and canceled, together with the voter's certificates, one set of the
29 tally papers, one general return sheet, one numbered list of voters, sealed as provided in
30 this subsection, and one oath of each poll officer, and lock and seal each ballot box so that
31 nothing can be inserted therein until it is opened again; and the chief manager and an
32 assistant manager shall immediately deliver the ballot boxes to the custody of the
33 superintendent. The superintendent shall not compute any returns from any precinct until
34 the ballot boxes therefor, as well as the package of unused ballots and other election
35 supplies therefrom, are so delivered."

SECTION 114.

Said chapter is further amended by revising Code Section 21-2-456, relating to form of general return sheet, duplicate return sheets, and statement, as follows:

"21-2-456.

(a) The general return sheets, duplicate return sheets, and statement shall be printed to conform with the type of voting machine used and in form approved by the ~~Secretary of State~~ chief election officer. The designating number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name. Immediately after the vote has been ascertained, the statement thereof shall be posted on the door of the polling place. Duplicate return sheets, voter's certificates, numbered list of voters, oaths of poll officers, and affidavits of voters and others shall be sealed and given to the chief manager, who shall deliver them, together with the general return sheet and the package of ballots deposited, written, or affixed in or upon the voting machine, to the superintendent. The voter's certificates, rejected voter's certificates, and oaths of assisted voters shall be sealed in a separate envelope addressed to the board of registrars and bearing a list of its contents on the outside. This envelope shall be immediately delivered by the managers into the custody of the superintendent. If the type of voting machine is equipped with a mechanism for printing paper proof sheets, one of such proof sheets shall be posted on the door of the polling place with such statement; one shall be returned with a precinct return sheet sealed in an envelope prepared for the ~~Secretary of State~~ chief election officer; one shall be placed in the envelope and delivered with the general return sheet; and one shall be sealed in the envelope with the duplicate return sheets and delivered by the chief manager to the superintendent. The printed proof sheet returned with the general return sheet and the printed proof sheet returned with the duplicate return sheet shall each be part of the return of the primary or election.

(b) Immediately upon the completion of the count and tabulation of the vote cast, the electors list shall be sealed and returned immediately by the chief manager to the superintendent, who shall transmit it to the registrars."

SECTION 115.

Said chapter is further amended by revising subsection (h) of Code Section 21-2-480, relating to caption for ballots, as follows:

"(h) When proposed constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot below the groups of candidates for the various offices. Proposed constitutional amendments so submitted shall be printed in the order determined by the Constitutional Amendments Publication Board and in brief form as directed by the General Assembly or,

1 in the event of a failure to so direct, the form shall be determined by the ~~Secretary of State~~
2 chief election officer and shall include the short title or heading provided for in
3 subsection (c) of Code Section 50-12-101. Unless otherwise provided by law, any other
4 state-wide questions so submitted shall be printed in brief form as directed by the General
5 Assembly or, in the event of a failure to so direct, the form shall be determined by the
6 ~~Secretary of State~~ chief election officer; and any local questions so submitted shall be
7 printed in brief form as directed by the General Assembly or, in the event of a failure to so
8 direct, the form shall be determined by the superintendent. Next to the question there shall
9 be placed the words 'YES' and 'NO' together with appropriate ovals or squares or broken
10 arrows to be marked."

11 **SECTION 116.**

12 Said chapter is further amended by revising Code Section 21-2-482, relating to absentee
13 ballots for precincts using optical scanning voting equipment, as follows:

14 "21-2-482.

15 Ballots in a precinct using optical scanning voting equipment for use by absentee electors
16 shall be prepared sufficiently in advance by the superintendent and shall be delivered to the
17 board of registrars as provided in Code Section 21-2-384. Such ballots shall be marked
18 'Official Absentee Ballot' and shall be in substantially the form for ballots required by
19 Article 8 of this chapter, except that in counties or municipalities using voting machines,
20 direct recording electronic (DRE) units, or optical scanners, the ballots may be in
21 substantially the form for the ballot labels required by Article 9 of this chapter or in such
22 form as will allow the ballot to be machine tabulated. Every such ballot shall have printed
23 on the face thereof the following: 'I understand that the offer or acceptance of money or any
24 other object of value to vote for any particular candidate, list of candidates, issue, or list of
25 issues included in this election constitutes an act of voter fraud and is a felony under
26 Georgia law.' The form for either ballot shall be determined and prescribed by the
27 ~~Secretary of State~~ chief election officer."

28 **SECTION 117.**

29 Said chapter is further amended by revising subsections (c) and (d) of Code
30 Section 21-2-495, relating to procedure for recount or recanvass of votes, as follows:

31 "(c) Whenever the difference between the number of votes received by a candidate who
32 has been declared nominated for an office in a primary election or who has been declared
33 elected to an office in an election or who has been declared eligible for a run-off primary
34 or election and the number of votes received by any other candidate or candidates not
35 declared so nominated or elected or eligible for a runoff shall be not more than 1 percent

1 of the total votes which were cast for such office therein, any such candidate or candidates
2 receiving a sufficient number of votes so that the difference between his or her vote and
3 that of a candidate declared nominated, elected, or eligible for a runoff is not more than 1
4 percent of the total votes cast, within a period of two business days following the
5 certification of the election results, shall have the right to a recount of the votes cast, if such
6 request is made in writing by the losing candidate. If the office sought is a federal or state
7 office voted upon by the electors of more than one county, the request shall be made to the
8 ~~Secretary of State~~ chief election officer who shall direct that the recount be performed in
9 all counties in which electors voted for such office and notify the superintendents of the
10 several counties involved of the request. In all other cases, the request shall be made to the
11 superintendent. The superintendent or superintendents shall order a recount of such votes
12 to be made immediately. If, upon such recount, it is determined that the original count was
13 incorrect, the returns and all papers prepared by the superintendent, the superintendents,
14 or the ~~Secretary of State~~ chief election officer shall be corrected accordingly and the results
15 recertified.

16 (d) Any other provision of this Code section to the contrary notwithstanding, a candidate
17 for a federal or state office voted upon by the electors of more than one county may petition
18 the ~~Secretary of State~~ chief election officer for a recount or recanvass of votes, as
19 appropriate, when it appears that a discrepancy or error, although not apparent on the face
20 of the returns, has been made. The recount or recanvass may be ordered in the discretion
21 of the ~~Secretary of State~~ chief election officer in any and all counties in which electors
22 voted for such office, and said recount or recanvass may be held at any time prior to the
23 certification of the consolidated returns by the ~~Secretary of State~~ chief election officer. A
24 recount or recanvass shall be conducted by the appropriate superintendent or
25 superintendents in the manner and pursuant to the procedures otherwise provided in this
26 Code section for a recount or recanvass, as appropriate. The petition pursuant to this Code
27 section shall be in writing and signed by the person or persons requesting the recount or
28 recanvass. A petition shall set forth the discrepancies or errors and any evidence in support
29 of the petitioner's request for a recount or recanvass and shall be verified. The ~~Secretary~~
30 ~~of State~~ chief election officer may require the petitioner or other persons to furnish
31 additional information concerning the apparent discrepancies or errors in the counting or
32 canvassing of votes."

33 SECTION 118.

34 Said chapter is further amended by revising Code Section 21-2-496, relating to preparation
35 and filing by superintendent of four copies of consolidated return of primary, as follows:

1 "21-2-496.

2 (a) Each superintendent shall prepare four copies of the consolidated return of the primary
3 to be certified by the superintendent on forms furnished by the ~~Secretary of State~~ chief
4 election officer, such consolidated returns to be filed immediately upon certification as
5 follows:

6 (1) One copy to be posted at the county courthouse or city hall for the information of the
7 public;

8 (2) One copy to be filed in the superintendent's office;

9 (3) One copy to be forwarded to the ~~Secretary of State~~ chief election officer together
10 with a copy of each precinct return, the numbered list of voters of each precinct, and the
11 returns and the numbered list of voters for absentee electors; and

12 (4) One copy to be sealed and filed with the clerk of the superior court as required by
13 Code Section 21-2-500.

14 (b) The ~~Secretary of State~~ chief election officer is authorized to provide a method by
15 which the election superintendent can file the results of primaries and elections
16 electronically. Once the ~~Secretary of State~~ chief election officer provides such a method
17 of filing, the election superintendent shall file a copy of the election returns electronically
18 in the manner prescribed by the ~~Secretary of State~~ chief election officer in addition to the
19 filing provided in subsection (a) of this Code section. The ~~Secretary of State~~ chief election
20 officer is authorized to promulgate such rules and regulations as necessary to provide for
21 such an electronic filing."

22 SECTION 119.

23 Said chapter is further amended by revising Code Section 21-2-497, relating to preparation
24 and filing by superintendent of four copies of consolidated return of elections, as follows:

25 "21-2-497.

26 Each superintendent shall prepare four copies of the consolidated return of the election to
27 be certified by the superintendent on forms furnished by the ~~Secretary of State~~ chief
28 election officer, such consolidated returns to be filed immediately upon certification as
29 follows:

30 (1) One copy to be posted at the county courthouse for the information of the public;

31 (2) One copy to be filed and recorded as a permanent record in the minutes of the
32 superintendent's office;

33 (3) One copy to be sealed and filed with the clerk of the superior court as required by
34 Code Section 21-2-500; and

35 (4) One copy to be returned as follows:

(A) In the case of election of federal and state officers, a separate return showing totals of the votes cast for each of such officers respectively shall be forwarded by the superintendent to the ~~Secretary of State~~ chief election officer on forms furnished by the ~~Secretary of State~~ chief election officer;

(B) In the case of elections for any county officer or other officer required by law to be commissioned by the Governor in any of the several counties of this state, it shall be the duty of the superintendent to transmit immediately to the ~~Secretary of State~~ chief election officer a certified copy of the returns of all such offices;

(C) In the case of referendum elections provided for by an Act of the General Assembly, the returns shall immediately be certified by the authority holding such election to the ~~Secretary of State~~ chief election officer, along with the precinct returns and numbered list of voters for each precinct. In addition thereto, the official citation of the Act involved and the purpose of such election shall be sent to the ~~Secretary of State~~ chief election officer at the same time. The ~~Secretary of State~~ chief election officer shall maintain a permanent record of such certifications;

(D) In the case of elections on constitutional amendments, the returns shall be certified immediately to the ~~Secretary of State~~ chief election officer. Upon receiving the certified returns from the various superintendents, the ~~Secretary of State~~ chief election officer shall immediately proceed to canvass and tabulate the votes cast on such amendments and certify the results to the Governor; or

(E) In the case of election for presidential electors, a separate return shall be prepared by each superintendent and certified immediately to the ~~Secretary of State~~ chief election officer."

SECTION 120.

Said chapter is further amended by revising Code Section 21-2-499, relating to duty of Secretary of State as to tabulation, computation, and canvassing of votes for state and federal officers, as follows:

"21-2-499.

(a) Upon receiving the certified returns of any election from the various superintendents, the ~~Secretary of State~~ chief election officer shall immediately proceed to tabulate, compute, and canvass the votes cast for all candidates described in subparagraph (A) of paragraph (4) of Code Section 21-2-497 and upon all questions voted for by the electors of more than one county and shall thereupon certify and file in his or her office the tabulation thereof. In the event an error is found in the certified returns presented to the ~~Secretary of State~~ chief election officer or in the tabulation, computation, or canvassing of votes as described in this Code section, the ~~Secretary of State~~ chief election officer shall notify the county submitting

1 the incorrect returns and direct the county to correct and recertify such returns. Upon
2 receipt by the ~~Secretary of State~~ chief election officer of the corrected certified returns of
3 the county, the ~~Secretary of State~~ chief election officer shall issue a new certification of the
4 results and shall file the same in his or her office.

5 (b) The ~~Secretary of State~~ chief election officer shall also, upon receiving the certified
6 returns for presidential electors, proceed to tabulate, compute, and canvass the votes cast
7 for each slate of presidential electors and shall immediately lay them before the Governor.
8 Not later than 5:00 P.M. on the fourteenth day following the date on which such election
9 was conducted, the ~~Secretary of State~~ chief election officer shall certify the votes cast for
10 all candidates described in subparagraph (A) of paragraph (4) of Code Section 21-2-497
11 and upon all questions voted for by the electors of more than one county and shall no later
12 than that same time lay the returns for presidential electors before the Governor. The
13 Governor shall enumerate and ascertain the number of votes for each person so voted and
14 shall certify the slates of presidential electors receiving the highest number of votes. The
15 Governor shall certify the slates of presidential electors no later than 5:00 P.M. on the
16 fifteenth day following the date on which such election was conducted. Notwithstanding
17 the deadlines specified in this Code section, such times may be altered for just cause by an
18 order of a judge of superior court of this state.

19 (c) The ~~Secretary of State~~ chief election officer shall not count, tabulate, or publish the
20 names of any write-in candidates for whom the notice of intention of candidacy has not
21 been provided in compliance with Code Section 21-2-133."

22 SECTION 121.

23 Said chapter is further amended by revising Code Section 21-2-502, relating to issuance of
24 certificates of election and commission, as follows:

25 "21-2-502.

26 (a) *Governor and other constitutional officers.* Upon completing the tabulation of any
27 election for Governor, Lieutenant Governor, Secretary of State, Attorney General, State
28 School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, or
29 Commissioner of Labor, the ~~Secretary of State~~ chief election officer shall lay the same
30 before the Governor upon his or her oath of office as Governor; and the Governor, upon
31 the other constitutional officers taking their oaths of office, shall issue a commission under
32 the great seal of the State of Georgia signed by the Governor and countersigned by the
33 Secretary of State, to each such person. The Secretary of State shall issue the commission
34 to the person elected Governor.

35 (b) *United States senators; representatives in Congress; members of the General*
36 *Assembly.*

(1) Upon completing the tabulation of any election for United States senator or representative in Congress, the ~~Secretary of State~~ chief election officer shall lay the same before the Governor, who shall immediately issue certificates of election and commissions under the seal of the state, duly signed by the Governor and attested by the Secretary of State and deliver the same to the candidates receiving the required number of votes to be elected to the respective offices.

(2) The ~~Secretary of State~~ chief election officer shall issue certificates of election to the persons elected members of the Senate and the House of Representatives of the General Assembly and, between the hours of 12:00 Noon and 1:00 P.M. on the second Monday in January of each odd-numbered year, present before the Senate and the House of Representatives the several returns of the elections of members of the respective houses. In case of a special election the ~~Secretary of State~~ chief election officer shall issue a certificate of election to each person so elected, and the ~~Secretary of State~~ chief election officer shall present the returns of such election to the proper house as soon as received and tabulated by the ~~Secretary of State~~ chief election officer. Immediately upon their taking the oath of office, each member of the Senate and the House of Representatives shall be issued a commission under the great seal of the State of Georgia, signed by the Secretary of State.

(c) *Justices of the Supreme Court, Judges of the Court of Appeals, Commissioners of the Georgia Public Service Commission, judges of the superior court, judges of the juvenile court, and district attorneys.* Upon completion of the tabulation, the ~~Secretary of State~~ chief election officer shall certify the result of each election of Justices of the Supreme Court, of Judges of the Court of Appeals, of Commissioners of the Georgia Public Service Commission, of judges of the superior court, of judges of the juvenile court where elected, and of district attorneys to the Governor and shall issue a certificate of election to each person so elected. The Governor shall, upon each such person taking the oath of office, immediately issue a commission under the great seal of the State of Georgia, signed by the Governor and countersigned by the Secretary of State, to each such person.

(d) *County officers.* The superintendent in each county shall, as soon as the returns have been properly certified, issue certificates of election to the successful candidates for all county officers to be filled by the votes of electors of such county. Immediately upon taking the oath of office, each such county officer shall be issued a commission under the seal of the executive department, signed by the Governor and countersigned by one of his or her secretaries.

(e) *Presidential electors.* The ~~Secretary of State~~ chief election officer, on receiving and computing the returns of presidential electors, shall lay them before the Governor, who

1 shall enumerate and ascertain the number of votes for each person so voted for and shall
2 cause a certificate of election to be delivered to each person so chosen.

3 (f) *Constitutional amendments.* Upon receiving the certified results of elections on all
4 constitutional amendments from the ~~Secretary of State~~ chief election officer, the Governor
5 shall issue his or her proclamation declaring the results of the vote of each amendment."

6 **SECTION 122.**

7 Said chapter is further amended by revising subsection (b) of Code Section 21-2-524, relating
8 to filing and allegations of petition to contest primary or election, as follows:

9 "(b) The ~~State Election Board~~ chief election officer shall be served with a copy of the
10 petition, as provided in subsection (a) of this Code section, by serving the same on the
11 ~~chairperson thereof~~, chief election officer personally or by mailing a copy to the
12 ~~chairperson~~ chief election officer by certified or registered mail or statutory overnight
13 delivery; and a certificate that such service has been made shall be filed by the plaintiff or
14 his or her attorney."

15 **SECTION 123.**

16 Said chapter is further amended by revising Code Section 21-2-543, relating to special
17 election for United States congressional representative vacancy, as follows:

18 "21-2-543.

19 Whenever a vacancy shall occur or exist in the office of ~~Representative~~ representative in
20 the United States Congress from this state the Governor shall issue, within ten days after
21 the occurrence of such vacancy, a writ of election to the ~~Secretary of State~~ chief election
22 officer for a special election to fill such vacancy, which election shall be held on the date
23 named in the writ, which shall not be less than 30 days after its issuance. Upon receiving
24 the writ of election from the Governor, the ~~Secretary of State~~ chief election officer shall
25 then transmit the writ of election to the superintendent of each county involved and shall
26 publish the call of the election."

27 **SECTION 124.**

28 Said chapter is further amended by revising Code Section 21-2-544, relating to special
29 election for General Assembly vacancy, as follows:

30 "21-2-544.

31 Whenever a vacancy shall occur or exist in either house of the General Assembly during
32 a session of the General Assembly or whenever such vacancy shall occur or exist at a time
33 when the members of the General Assembly shall be required to meet, at any time previous
34 to the next November election, the Governor shall issue, within ten days after the

1 occurrence of such vacancy, or after the calling of an extraordinary session of the General
2 Assembly during the existence of such vacancy, a writ of election to the ~~Secretary of State~~
3 chief election officer for a special election to fill such vacancy, which election shall be held
4 on the date named in the writ, which shall not be less than 30 nor more than 60 days after
5 its issuance. Upon receiving the writ of election from the Governor, the ~~Secretary of State~~
6 chief election officer shall then transmit the writ of election to the superintendent of each
7 county involved and shall publish the call of the election. In all other cases any such
8 special election to fill any such vacancy shall be held if the Governor issues his or her writ
9 of election therefor. In such cases the writ of election shall be issued to the ~~Secretary of~~
10 ~~State~~ chief election officer who shall transmit the writ of election to the superintendent of
11 each county involved and shall publish the call of the election."

12 **SECTION 125.**

13 Said chapter is further amended by revising subsection (b) of Code Section 21-2-565, relating
14 to making of false statements in connection with filing notice of candidacy or qualifying as
15 candidate for party nomination, as follows:

16 "(b) The district attorney of any judicial circuit or of the county in which all or the greater
17 portion of any municipality is situated shall furnish all investigative personnel and facilities
18 to the ~~Secretary of State~~ chief election officer, the superintendent, or political party, as the
19 case may be, as needed to determine the accuracy and correctness of all facts set forth in
20 the affidavits filed pursuant to Code Sections 21-2-132 and 21-2-153 and shall commence
21 prosecution of any person when it appears that a violation of this Code section has
22 occurred."

23 **SECTION 126.**

24 Said chapter is further amended by revising subsection (b) of Code Section 21-2-582.1,
25 relating to penalty for voting equipment modification, as follows:

26 "(b) Any person or entity, including but not limited to a manufacturer or seller of voting
27 equipment, who alters, modifies, or changes any aspect of such voting equipment without
28 prior approval of the ~~Secretary of State~~ chief election officer is guilty of a felony."

29 **SECTION 127.**

30 Said chapter is further amended by revising Code Section 21-2-586, relating to refusal by
31 Secretary of State or his or her employee to permit public inspection of documents, as
32 follows:

1 "21-2-586.

2 (a) If the ~~Secretary of State~~ chief election officer or any employee of his or her office
3 willfully refuses to permit the public inspection or copying, in accordance with this chapter,
4 of any return, petition, certificate, paper, account, contract, report, or any other document
5 or record in his or her custody, except when in use, or willfully removes any such
6 document or record from his or her office during such period or permits the same to be
7 removed, except pursuant to the direction of competent authority, the ~~Secretary of State~~
8 chief election officer or employee of his or her office shall be guilty of a misdemeanor.

9 (b) If the ~~Secretary of State~~ chief election officer or any employee of his or her office
10 willfully destroys, alters, or permits to be destroyed or altered any document described in
11 subsection (a) of this Code section during the period for which the same is required to be
12 kept in his or her office, the ~~Secretary of State~~ chief election officer or employee of his or
13 her office shall be guilty of a felony."

14 **SECTION 128.**

15 For the purpose of selecting the chief election officer, this Act shall become effective upon
16 its approval by the Governor or upon its becoming law without such approval. For all other
17 purposes, this Act shall become effective on January 1, 2009.

18 **SECTION 129.**

19 All laws and parts of laws in conflict with this Act are repealed.